

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7606 of 2021

ROSARY

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
TIRUPPUR DISTRICT.
(CRIME NO. 88/2021)

For Petitioner : M/S.D.GOPI KRISHNAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 363 of IPC altered to 147, 148, 363, 364(A) of IPC, in Crime No.88 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a farm and A1 is doing fodder business. The defacto complainant used to purchase fodder for his farm from A1 on a credit basis. While so, due to financial constraints, the defacto complainant was default in payment of Rs.29,25,000/- to A1, for which the petitioner along with other accused persons went to the farm owned by defacto complainant and attacked one Adul Vahith, who was working as supervisor in the defacto complainant's farm and fled away from the scene of occurrence. Hence, the complaint.

3.The learned counsel appearing for the petitioner submit that the petitioner did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that there was a dispute between the petitioner and the defacto complainant with regard to payment of due by the petitioner, for which the petitioner along with other accused have abducted the supervisor of the farm run by the defacto complainant. Based on the complaint given, the respondent police arrested A1 and others. Based on the confession of A1, the petitioner herein has been arrayed as an accused. He further submitted that co-accused in this case was arrested and released on bail by the lower court.

5.Taking into consideration the facts and circumstances of the case and also that co-accused have been granted bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kangeyam, Tiruppur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
KANGEYAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.GOPI KRISHNAN Advocate on payment of necessary charges SR.NO. 5475

सत्यमेव जयते

CRL OP.7606/2021

Date :28/04/2021

WEB COPY

MN-17/05/2021