

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.9180 of 2021

Kiliyan

... petitioner

Vs.

The State of Tamil Nadu
represented through the
Inspector of Police,
Moolanur Police Station,
Tiruppur District.
(Crime No.128 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.128 of 2021 on the file of the Respondent Police.

For petitioner : Mr.S.Rajesh

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 363 of IPC altered to 364 A of IPC in Crime No.128 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with three other persons kidnapped the defacto complainant's husband and attacked him. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that earlier the defacto complainant and her husband have worked in the brick chamber run by the petitioner. At that time, they received Rs.80,000/- from the petitioner and thereafter they left the petitioner's brick chamber and joined at some other brick chamber. When the petitioner asked to return the money, in order to evade repayment of money, the defacto complainant has foisted this false complaint against the petitioner. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that there was a money dispute between the petitioner and the defacto complainant's husband. Due to this, the petitioner along with three other accused persons kidnapped the defacto complainant's husband and attacked him. He further submitted that the victim is secured and no one is injured in this case. He further submitted that the petitioner has involved in one previous case. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsels, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order before the learned Judicial Magistrate, Dharapuram, 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 learned Magistrate concerned and on further conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/05/2021

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.S.RAJESH Advocate on payment of necessary charges

CRL OP.9180/2021

Date :13/05/2021

TA-02/07/2021

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