

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10312 of 2021

S.Muthukaruppan

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner/accused on bail in the event of his arrest or surrender in the case in Crime No.128 on the file of the respondent police.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.C.E.Pratap  
Government Advocate (CrI.Side)

**ORDER**

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

2.The case of the prosecution is that the defacto complainant and her husband viz., Marichamy were working in a bricks chamber run by one Mr.Killian at Madurai. While working there, the said Marichamy received Rs.80,000/- from the above said Killian, on the assurance that he will bring workers to the bricks chambers, but, subsequently he joined another chamber at Tharapuram. With regard to the same, the said Killian lodged a complaint before the concerned Police at Madurai and in the said enquiry, the defacto complainant's husband has agreed to return the money within one month and the defacto complainant's husband without returning the money as agreed, the said Killian and others came to Tharapuram and took away defacto complainant's husband. Hence, the case was registered.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution

and he has been falsely implicated in this case. He further submits that there was a money dispute between the Killian and Marichamy/defacto complainant's husband, the instant case has been registered and in connection with the case the respondent police searching the petitioner. He further submits that main accused Killian has been granted bail by this Court by the order dated 13.05.2021 in Crl.OP.No.9180 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the main accused Killian has been granted anticipatory bail by this court by the order dated 13.05.2021 in Crl.OP.No.9180 of 2021. He further submits that there is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the main accused has been granted bail by this 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tharapuram 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 petitioner 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/-  
21/06/2021

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,  
THARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.10312/2021

Date :21/06/2021

WEB COPY

MN-09/07/2021