



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.OP.No.11114 of 2021

WEB COPY

1. Jeevanatham @ Zeevanantham
2. Arun @ Arunkumar
3. Kamal @ Kamalakannan

... Petitioners

Versus

State Rep. by
The Inspector of Police,
Perambalur Police Station,
Perambalur District.
(Cr.No.487 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent Police in Crime No.487 of 2021 on the file of the respondent Police.

For Petitioners : Mr.B.Elakkiyasiva

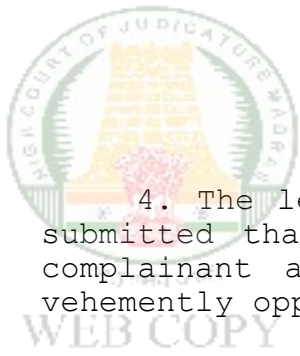
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. side)

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 323, 363, 364(A), 365 and 506(i) of IPC in Cr.No.487 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are arrayed as A1, A2 and A4. A marriage proposal was arranged between A5 and the defacto complainant. In the meanwhile, the petitioners family borrowed a sum of Rs.2,00,000/- from the defacto complainant. Since horoscope was not matching, the marriage was dropped. Therefore, the defacto complainant asked the petitioners to return the money. But they refused to return the same and kidnapped the defacto complainant and locked in a room and attacked him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and co-accused have already been enlarged on anticipatory bail by this court. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate appearing for the respondent submitted that the petitioners/A1 & A2 have kidnapped the defacto complainant and threatened him with dire consequences. Hence, he vehemently oppose to grant anticipatory bail to the petitioners.

5. Considering facts and circumstances of the case and there is a specific allegation against the petitioners 1 & 2, this Court is not inclined to grant anticipatory bail to them. Taking into consideration of the facts and circumstances, there is no specific allegation against the 3rd petitioner, this Court is inclined to grant bail to the 3rd petitioner/A4 subject to the following conditions:

(a) Accordingly, the 3rd 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-I, Perambalur, on condition that the 3rd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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:

(b) the 3rd 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;

(c) the 3rd petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, appear before the respondent police as and when required for interrogation;

(d) the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the 3rd petitioner shall not abscond either during investigation or trial;

(f) 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;

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



6. In the result, this Criminal Original Petition is ordered insofar as the 3rd petitioner/A4 is concerned and this petition is dismissed as against the petitioners 1 and 2 (A1 & A2).

WEB COPY

-sd/-
30/06/2021

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 NO.I,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11114/2021

Date :30/06/2021

MK:17/07/2021