



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12894 and 12953 of 2021

MUTHUKARUPPAN

[PETITIONER / ACCUSED IN
CRL.OP.NO.12894/2021]

KILIYAN

[PETITIONER / ACCUSED IN
CRL.OP.NO.12953/2021]

Vs

THE STATE OF TAMIL NADU
REP. THROUGH
THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT
CR NO. 128/2021

[RESPONDENT IN BOTH THE PETITIONS]

For Petitioner : M/S.T.R.SUBRAMANIAN Advocate
(IN BOTH THE PETITIONS)

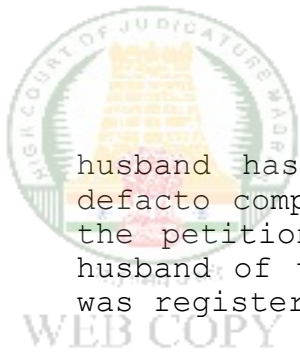
For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)
(IN BOTH THE PETITIONS)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 363, 120(B), 147, 294(b), 341, 323 and 506(i) of IPC, in Crime No.128 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and her husband viz., Marisamy were working in a bricks chamber run by one Mr.Killian/A1 at Madurai. While working there, the said Marisamy received Rs.80,000/- from the above said Killian/A1, 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/A1 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 petitioners along with other accused persons had kidnapped the husband of the defacto complainant and attacked him. Hence, the case was registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners have already been granted anticipatory bail by this Court in CrI.O.P.Nos.9180 and 10312 of 2021. Further, the petitioners had approached to the learned Judicial Magistrate, Dharapuram to furnish a surety along with all the necessary documents but, the trial Court has refused the surety due to the adding of few sections in the original complaint. Hence, the present anticipatory bail applications before this Court. The learned counsels, therefore, prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) would submit that the victim has been secured and there is no previous pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, and the victim has been secured, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Dharapuram, on condition that each of 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners 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 petitioners 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,

© the petitioners shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioners 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/-

29/07/2021

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
DHARAPURAM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.T.R.SUBRAMANIAN Advocate on payment of necessary charges SR.No.7882 and 7881

CRL OP.12894 and 12953 of 2021
Date :29/07/2021

APN 13/08/2021