



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14785 of 2021

1 UDHAYA SURIYAN
2 SUMATHI
3 MANIMARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ATTUR TOWN POLICE STATION,
SALEM DISTRICT.
CR.NO.379/2021.

[RESPONDENT]

For Petitioner : M/S. T.VELU Advocate

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

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 341, 294(b), 323 and 363 of IPC in Cr.No.379 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the daughter of the petitioners (A1 & A2) and the Defacto-complainant were having a love affair without their permission and volition and got married too. The Defacto- complainant is the husband of the victim girl. Since the petitioners abducted the victim girl, the Defacto-complainant lodged a complaint to the respondent on petitioners.

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 submitted that this is purely a family dispute in between the Defacto-complainant and the victim girl and the case was filed by the Defacto-complainant wantonly with vengeance. Hence prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases against the petitioners. He further submitted that A1 and A2 are the father in law and mother in law of the Defacto-complainant and the victim girl is secured by the respondent. Since the Defacto-complainant was attacked by the petitioners, he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, it is purely a family dispute. Hence this court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 Judicial Magistrate-I, Attur, Salem District on condition that the petitioners 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:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 petitioners 1 & 3 shall report before the respondent police daily at 10.30 a.m. until further orders; Whereas the 2nd petitioner shall report before the respondent police, as and when required.

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

(e) the petitioners 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.

WEB COPY

-sd/-
19/08/2021

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, ATTUR , SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ATTUR TOWN POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.14785/2021

Date :19/08/2021

APN 06/09/2021