



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15962 of 2021

VINOTH @ MAGESH KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
F-5, CHOLLAIMEDU POLICE STATION,
CHENNAI.
(CRIME NO. 542 OF 2021)

[RESPONDENT]

For Petitioner : M/S.U.YUVARAJ Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Section 341, 364, 365, 506(i) of IPC in Crime No.542 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the friend of one Varun @ Vadivel and his friend had developed love affair with one Dilshath Begum who is the relative of the defacto complainant and the defacto complainant has asked the petitioner's friend to convert him into Muslim, the same was not acceded by his friend and in this regard, the defacto complainant has taken steps to marry Dilshath Begum with one Taufiq. Being aggrieved at, the petitioner's friend and others kidnapped the defacto complainant's son and the very same was informed to the defacto complainant's daughter through cellphone with a demand to hand over the Dilshath Begum to Varun's custody and they were threatened him with dire consequences.

3.The learned counsel appearing for the petitioner submits that the petitioner is the friend of Varun and he is no way connected with the offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the co-accused/Varun



was enlarged on bail by this Court vide order dated 26.08.2021 in Crl.OP.No.15334 of 2021. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits there was a love affair between the petitioner's friend and the defacto complainant relatives daughter, due to which, the petitioner's friend along with others had kidnapped the defacto complainant's son, the present complaint has been filed. He further submits that the petitioner's earlier bail application was dismissed by the Sessions Court, Chennai vide order dated 04.08.2021 in Crl.MP.No.12594 of 2021. He further submits that the victim has been secured.

5. Considering the fact that the victim has been secured and the co-accused has been enlarged on bail and also the submissions made by both counsel, 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 XVII Metropolitan Magistrate, Saidapet, Chennai 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.

WEB COPY

-sd/-

03/09/2021

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 XVII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI DISTRICT.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
F-5, CHOOLAIMEDU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.U.YUVARAJ Advocate on payment of necessary charges
SR.NO.9527

CRL OP.15962/2021

Date :03/09/2021

CSK 17/09/2021