



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16482 of 2021

S.S.MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU
THROUGH THE,
THE INSPECTOR OF POLICE,
SARAVANAMPATTI POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO.824/2021

[RESPONDENT]

For Petitioner : M/S.DEEPAN UDAY Advocate

For Respondent : MR. A.GOPINATH, 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 under Sections 147, 170, 342, 448 and 365 IPC in Cr.No.824 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner borrowed a sum of Rs.1,50,000/- from the victim defacto complainant and the same was not returned. Thereafter, there was dispute between the petitioner and the defacto complainant, following which the petitioner abducted the victim. Hence, the defacto complainant made a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the victim defacto complainant demanded the borrowed money from the petitioner, for which the petitioner abducted the victim. Thereafter, the victim was secured by the law enforcing agency. He further submits that there is no previous case pending against the petitioner. However, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and abducted person was secured by the law enforcing agency and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, petitioner is ordered to be released on anticipatory 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-II, Coimbatore District, 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:

(b) 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;

(c) 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;

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

(e) the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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/-

09/09/2021

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 JUDICIAL MAGISTRATE,
NO.II, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SARAVANAMPATTI POLICE STATION,
COIMBATORE DISTRICT.

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

CRL OP.16482/2021

Date :09/09/2021

RW 29/09/2021