



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20091 of 2021

1 KUMAR [PETITIONERS / ACCUSED]
2 MUTHUKUMAR @ MUTHUSAMY

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ADAMBAKKAM POLICE STATION,
CHENNAI.
CR.NO.337/2021.

For Petitioner : M/S. C.PRABAKARAN Advocate

For Respondent : M/S.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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 341 & 364 of I.P.C in Cr.No.337 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the De-facto Complainant's father had received money from the petitioners on making promise that he will secure a Government job but he neither secured the job nor returned the money to the petitioners. When the same was questioned by the petitioners, there arose a wordy quarrel between the petitioners and the De-facto Complainant thereby the petitioners forcibly kidnapped the De-facto Complainant's father. Hence the De-facto Complainant had lodged a complaint against the petitioners based on which the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further the petitioners herein were cheated by the De-facto Complainant's father under the guise of securing jobs in the Government Department. Hence prays for grant of anticipatory bail.



4.The learned Additional Public Prosecutor submitted that the De-facto Complainant's father was secured and that there is no serious allegation levelled against the petitioners.

5. Considering the facts and circumstances of the case that there is no serious allegation levelled against the petitioners, 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 Court, Alandur, 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 shall report before the respondent police daily at 10.30 a.m. until further orders;

(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;

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

-sd/-

27/10/2021

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.



1 THE JUDICIAL MAGISTRATE,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ADAMBAKKAM POLICE STATION,
CHENNAI.

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.11912

CRL OP.20091/2021

Date :27/10/2021

TA-10/11/2021