



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21550 of 2021

Shanmugasundram

... Petitioner

Vs.

State of Tamil Nadu
Rep. by The Inspector of Police,
Annadanapatti Police Station,
Salem District.
Cr.No.756 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.756 of 2021 on the file of the respondent police.

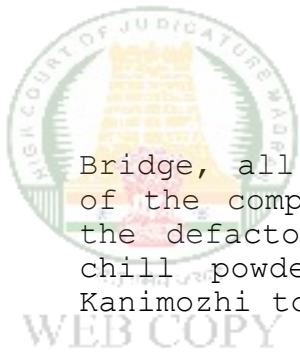
For Petitioner : Mr.D.Panneerselvam

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 341, 323, 366 of IPC, in Crime No.756 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant viz., Vijay is that he and the petitioner's daughter Kanimozhi loved each other and she is a major aged 19 years. Both were got married on 16.09.2021 at Tiruppur and both the complainant and Kanimozhi lived at Tiruppur with the mother of the defacto complainant. In the meantime, the petitioner has forcibly taken his daughter from him and on complaint by the defacto complainant before Uthupuli Police, they rescued the petitioner's daughter from him and handed over to him. After that on 04.10.2021 afternoon, while the defacto complainant along with his friend Naveen and Kanimozhi proceeding to Nethimedu SP Office in a Pulsar Bike bearing registration No.TN-93B-6810 to give complaint for their safety, at that time at about 01.00 p.m., while they were proceeding under Kondalampatti Butterfly



Bridge, all of a sudden a swift car without number waylaid the bike of the complaint and three persons get down from the car assaulted the defacto complainant on his back side of neck and also spared chill powder on his friend's face and forcibly taken his wife Kanimozhi to the house of petitioner. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant has lodged a false complaint against him. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the investigation is yet to be completed and there is no previous cases pending against this petitioner.

5. Considering the facts and circumstances of the case and taking note of the fact that there is no specific overt act as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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 Judicial Magistrate No.IV, Salem, 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 Magistrate / Trial Court 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 every Wednesday 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 petitioner 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/-

26/11/2021

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANNADANAPATTI POLICE STATION,
SALEM DISTRICT.

CC to M/S.D.PANNEERSELVAM Advocate on payment of necessary charges

CRL OP.21550/2021

Date :26/11/2021

TA-02/12/2021