



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)Nos.1378 & 1420 of 2021

Neelaveni Subramaniam @ Neelaveni ... Petitioner/Accused No.1
in Crl.O.P.(MD)No.1378 of 2021

1. Daniel Purudin @ Daniel Brudin
2. Iniyan @ Nachinarkinian ... Petitioners/Accused Nos.2 and 3
in Crl.O.P.(MD)No.1420 of 2021

Vs

State Rep.by,
The Inspector of Police,
Suchindram Police Station,
Suchindram, Kanyakumari District.
in Crime No.12 of 2021 ... Respondent/Complainant
in both the Petitions

For Petitioner : Mr.N.Jamzeer Ali, Advocate.
in Crl.O.P.(MD)No.1378 of 2021

For Petitioner : Mrs.R.Sangeetha, Advocate.
in Crl.O.P.(MD)No.1420 of 2021

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor,
in Both the Petitions

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.12 of 2021 on the file
of the Respondent Police

COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 384,
506(i), 120(B) IPC in Crime No.12 of 2021 on the file of the
respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant had some relationship with A1 and the same was videographed by the accused persons. By using the same, the accused persons extracted money from the defacto complainant to the tune of Rs.25,00,000/-. Hence, the present complaint.

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3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that earlier the defacto complainant lodged a complaint before the All Women Police Station, Nagercoil, Kanyakumari District and the same was registered for enquiry in C.S.R.No.178 of 2020. Parties were called for enquiry and all of them appeared before the Police Station. During enquiry, the matter was compromised and the complaint was also closed on 19.05.2020 itself. Thereafter, the defacto complainant approached the Judicial Magistrate No.III, Nagercoil and filed private complaint and the same was forwarded to the respondent police for registration of FIR. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that investigation is pending.

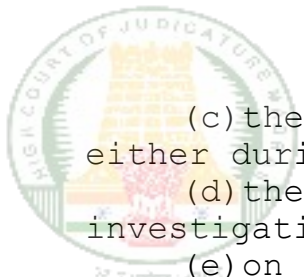
5.It is seen that the defacto complainant had some illegal relationship with A1 and the same was videographed by the accused persons. By using the same, the accused persons extracted money from the defacto complainant. It is also seen that both the petitioners and the defacto complainant filed complaint against each other and earlier, the matter was compromised between them.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall appear before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as



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

(d)the petitioners 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 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/02/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL

3.THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION, SUCHINDRAM,
KANYAKUMARI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.JAMZEER ALI, Advocate SR.No.3231(F)

+1. CC to Mrs.R.SANGEETHA, Advocate SR.No.3233(F)

ORDER IN

CRL OP(MD) Nos.1378 & 1420 of 2021

Date :03/02/2021

GNS

PK/JC/SAR-I/17.02.2021 : 3P/7C

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