



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

Date : 25/03/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4599 of 2021

1. Aadhimoolam @ Selvaraj
2. Vetrivel Murugan

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
Mandala Manickam Police Station,
Ramanathapuram District.
Crime No. 27 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Jeyakarthik M.S.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2021 on the file of the Respondent Police.

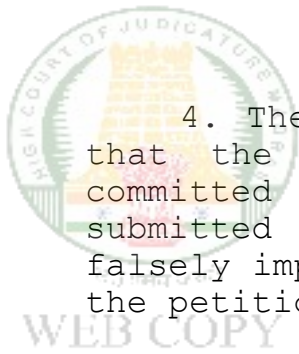
ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under Section 366 of IPC, in Crime No.27 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant's daughter was going to take drinking water, the petitioners were said to have abducted her by using car. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>



4. 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. He further submitted that due to previous enmity, the petitioners have been falsely implicated in this case. Hence, he seek anticipatory bail to the petitioners.

5. The learned Government Advocate (criminal side) appearing for the respondent police submitted that the victim girl was secured.

6. On perusal of the materials available on records, it is seen that the first petitioner had one side love with the victim girl and the first petitioner followed the victim girl and finally on 19.03.2021 when she was going to take drinking water, the first petitioner and his friends were said to have abducted the victim girl in a car and car got struck and thereafter, the petitioners forcibly taken the victim girl to remote place and there, the first petitioner had compelled the victim girl to accept marry him and love proposal and the same was refused by the victim girl. Thereafter, the victim girl was secured. The victim girl categorically stated that there is no sexual harassment.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, each of the the petitioners is directed to deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred Only) to the credit of M.S.Chellamuthu Trust and Research Foundation, No.8, Dr.Ambedkar Road, Vinayaganagr Branch, Madurai-625020. On such deposit, 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, Kamuthi, 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 report before the respondent police as and when required for interrogation.

(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/-

25/03/2021

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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, KAMUTHI
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
MANDALA MANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
M.S.CHELLAMUTHU TRUST AND RESEARCH FOUNDATION,
NO.8, DR.AMBEDKAR ROAD, VINAYAGANAGR BRANCH, MADURAI-625020.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-2609[I] dated 26/03/2021)

ORDER IN

CRL OP(MD) No.4599 of 2021

Date :25/03/2021

VSG

<https://hcservices.mca.gov.in/hcservices/>
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