



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/05/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7055 of 2021

Suresh

... Petitioner/Accused No. 3

Vs

The State Rep. by
The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
(Crime No.238/2021)

... Respondent/Complainant

For Petitioner : Mr.Vishnuvarthanan for
Mr.Vishwanath, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.238 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 323, 324, 366, 452, 506(ii), 511 IPC and Section 4 of TNPHW Act, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A3 along with accused 1 & 2 attempted to kidnap defacto complainant's daughter namely Priya from their residence, with an intention to forcefully perform marriage and also attempted to rob the jewels by trespassing into the house with deadly weapon and threatened the defacto complainant and his daughter with dire consequences. Hence, this complaint.



3. Heard both sides.

4. The learned counsel appearing for the petitioner submitted that the petitioner was arrayed as accused 3 in this case. He is a professional driver. On the date of occurrence, A1 hired the petitioner's vehicle. He is no way connected in the offence and hence would pray to grant Anticipatory Bail to the petitioner.

5. The learned Additional Public Prosecutor submits that the petitioner/A3 along with the second accused attacked the defacto complainant and his wife with Aruval. He further submits that the injured persons were discharged from the hospital.

6. Considering the facts that there existed love affair between the first accused and the daughter of the defacto complainant and that except the offences under Sections 366 and 506(ii) IPC, other offences are bailable in nature, and taking into consideration the submission of the learned Additional Public Prosecutor that the injured were discharged from the hospital and also considering the impact of COVID-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of public at large. Hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate Valliyur, Tirunelveli, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty 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 concerned Judicial Magistrate and on further conditions that:

[a] 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 petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Judicial 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/05/2021

/ TRUE COPY /

/ /2021
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,
VALLIYUR, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
PANAGUDI,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-3745[I] dated 27/05/2021)

ORDER
IN
CRL OP(MD) No.7055 of 2021
Date :27/05/2021

VRN
TE/JC/SAR-I : 01/06/2021 : 3P/6C