



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7616 of 2021

M.Murugan ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur, Virudhunagar District.
Crime No.64 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Saravanakumar.P,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

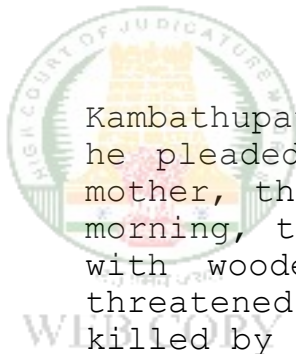
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.64 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 364(A), 294(b), 341, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.64 of 2021, seeks anticipatory bail.

2.It is seen from the submissions that the defacto complainant- Thagamariappan was engaged in doing electronic work as T.V.Mechanic in a shop run by one Ramesh at Srivilliputhur. One Mookaiah introduced him to Jaishankar for Electronic work and they said that they were involved in making Iridium pot. He was paid Rs.1,00,000/-. However, he was not able to do work as expected by Jaishankar and therefore, he told Jaishankar that he had only Rs.40,000/- and he would pay the balance amount. Later the accused persons by demanding the amount of Rupees One Lakh alleged to have kidnapped the defacto complainant's mother, on 08.02.2021, at about 6.00 p.m., he was informed by one Murugan and asked to come, so that his mother could be released. He went there along with Ramesh to



Kambathupatti. Accused Jaishankar was there with six persons and he pleaded with them for releasing his mother. After leaving his mother, they took the defacto complainant in a Bolero Van. The next morning, they took him to Lakshmiyapuram Forest area and beaten him with wooden logs and forced him to sign in blank papers and threatened that if he informs this incident to others, he would be killed by them and thereafter, he was released. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he is falsely implicated in this case and the defacto complainant was sent a communication to the Inspector of Police, Town Police Station, Srivilliputhur and the Superintendent of Police Virudhunagar, alleging that he was not kidnapped by any one. He borrowed money and has not yet paid and therefore, he had gone out of his house to escape from his creditors. The copy of the letter is also filed along with this petition.

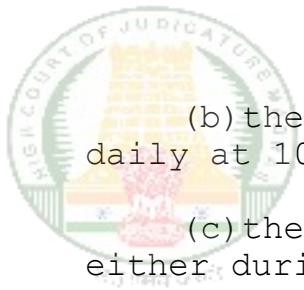
4.When the matter came up for last hearing, the learned Government Advocate (criminal side) was directed to get instructions from the respondent police with regard to the letter dated 10.02.2021 filed along with this anticipatory bail.

5.Today the learned Government Advocate (criminal side) submitted that though summon was sent to the defacto complainant, he has not turned up for enquiry. It obviously shows that the defacto complainant is not co-operating with the respondent police and not supporting the complaint given by him.

6.Considering the fact that during the course of investigation, the defacto complainant alleges that he was not kidnapped by any one and he had gone out of the house to escape from his creditors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Srivilliputhur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Judge 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 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 daily at 10.30 am., until further orders.

(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/-
16/06/2021

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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 JUDGE,
ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7616 of 2021
Date :16/06/2021

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JM/VR/SAR IV/21.06.2021/3P/4C

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