



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

Date : 17/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7843 of 2021

Arulraj ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Manachanallur Police Station,
Trichy.
Crime No. 196 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Mahendra Babu.N,
Advocate.

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

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

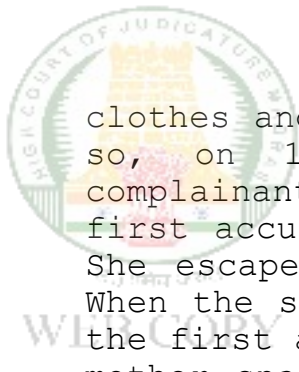
PRAYER :- For Anticipatory Bail in Crime No.196 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 354-D, 392 and 506(ii) of IPC, in Crime No.196 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is studying second year B.Com at Srimath Andavar College. The first accused-Arulraj used to come to her opposite house in connection with construction work undergoing. The second accused came with the proposal for the marriage of the first petitioner with the de-facto complainant. The parents of the de-facto complainant refused to give her in marriage for the reason that the de-facto complainant was studying. The accused also said to have brain washed the de-facto complainant and induced her to come with them without the knowledge of her parents. The first accused also used involved in a small

<https://hccservicesindia.org.in/news/articles/>



clothes and cleaning the front side of her house. While that being so, on 13.04.2021, at about 06.30 a.m., when the de-facto complainant had gone for purchasing the household articles, the first accused waylaid her and held her hands, tried to kidnap her. She escaped from that and informed her mother about the incident. When the same was questioned by the de-facto complainant's parents, the first accused attacked her mother and father, petitioner and his mother snatched 2 ½ sovereigns of gold chain belong to her father. Therefore, the case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent. In fact the de-facto complainant was in love with the petitioner. At the instigation of her parents, this case came to be registered with false and exaggerated facts. He further submitted that A2 was already granted anticipatory bail by the Sessions Court. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation in this case is pending.

6.Taking into consideration the facts and circumstances of the case and the fact that the injured was treated as out patient and also the fact that the alleged snatching of chain is unprofessional offence in nature, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

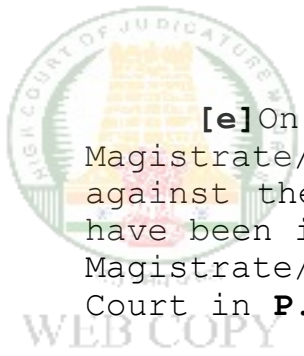
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli, on condition that the petitioner 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 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 a.m., 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]**;

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

sd/-

17/06/2021

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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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TIRUCHIRAPALLI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7843 of 2021

Date :17/06/2021

sjj

JM/VR/SAR II/23.06.2021/3P/5C