



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

Date : 24.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11918 of 2021

1.Manikandan

2.Ponnukodi ... Petitioners/Unnamed Accused

Vs

State rep by
The Inspector of Police,
Thalamuthu Nagar East Police Station,
Thoothukudi District.
Cr.No.212 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Prabhu

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.212 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 363 and 365 IPC in Crime No.212 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 11.03.2021 at about 3.00 p.m., the petitioners along with other accused kidnapped the defacto complainant's relative, namely, Muthukutti and her daughter Manjula for the purpose of executing a sale deed in respect of the property belonging to Muthukutti. Hence, the case.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He also submitted that the petitioners without knowing the dispute between the fourth accused and the defacto complainant, signed in the document as a witness. He further submitted that this Court granted bail to the fourth accused with condition to file an undertaking affidavit before the concerned Judicial Magistrate as well as before the Investigating Officer within a period of one week that he will not disturb the victim family. The petitioners have also come forward to file such an affidavit.

4.The learned Government Advocate (Crl. Side) submits that the investigation is in crucial stage and some more witnesses are yet to be examined.

5.Considering the facts and circumstances of the case and also fact that the undertaking affidavit to be filed by the petitioners that they will not disturb the victim family, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II Thoothukudi, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with the 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]**.



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

sd/-
24/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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.II,
Thoothukudi.
- 2.Do Through
The Chief Judicial Magistrate,
Thoothukudi.
- 3.The Inspector of Police,
Thalamuthu Nagar East Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.11918 of 2021
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TR/VR/SAR-IV(03.09.2021) 3P 5C