



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1945 of 2022

K.Thirunavukkarasu

... Petitioner

Versus

The State represented by
The Inspector of Police,
Chennimalai Police Station,
Erode District.
(Crime No.402 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest or on his appearance before the any Court in connection with the case in Crime No.402 of 2021 pending investigation on the file of the respondent police.

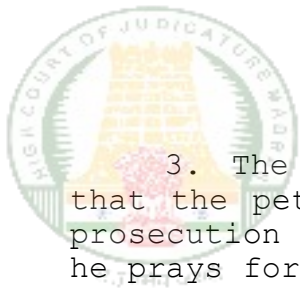
For Petitioner : Mr.S.Magesh Kumar for
Mr.K.Kathiresan

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 451, 324 and 365 of IPC in Crime No.402 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was residing along with her son Ramesh. He was doing multilevel marketing business with one Chellamuthu. In this business he was loss lakhs of money. Due to this, past six months one Saravanan from Madurai and Sankar from local, they came to the house and demanded money. The reason is that he returned about 6 lakh rupees. On 10.12.2021 four unknown persons trespassed into her house with rod and attacked her son and dragged away from home in injured stage and kidnapped in the Blue color Omni car. Due to some business loss the defacto complainant son was borrowed money and indebted to several persons one among them with the intent of recovering the money had done this kidnapping. Hence this case.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there was money transaction between the parties and out of which the alleged occurrence said to be happened, co-accused already released on bail, A4 is absconding. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Perundurai, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Registered Advocate Clerk Association, Erode District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

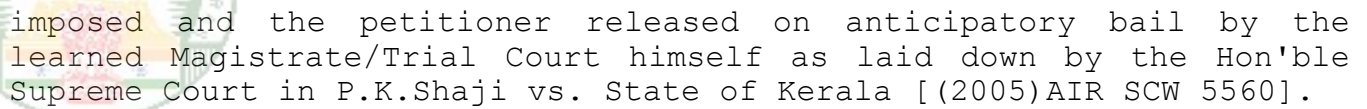
[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders;

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

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

[f] 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



-sd/-

This order, on being produced, be punctually observed and carried into execution by all concerned

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.