



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10988 of 2022

1 MARUDHAIYAN @ MARUDHAIYA [PETITIONERS / ACCUSED]
2 SIRAISELVAM
3 ARIVANANDHAM
4 KARTHIK @ KARTHIK RAJA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.
CR.NO.174 OF 2022.

For Petitioner : M/S.M.MATHAN RAJ Advocate

For Respondent : M/S.S.SUGENDRAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 147, 294 (b), 342, 323, 364 and 506(i) of IPC in Crime No.174 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. There are totally five accused. The case of the prosecution is that the defacto complainant's husband viz., Nasharath, is driving an Auto in Nannilam and also securing a post of Secretary in DMDK. One Jaganathan and his family members were well known to the husband of the defacto complainant. The said Jaganathan's son-in-law, viz., Varadharajan, had borrowed money from the 1st accused and the husband of the defacto complainant had made a talk with the 1st accused on behalf of Jaganathan and informed that the said Varadharajan have no sufficient funds and seeks further time to settle the amount. But, the accused refused to accept his word and abused him with filthy language, attacked and also abducted him in their car. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that, due to political enmity, the defacto complainant lodged a complaint before the respondent police. He further submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the victim has been secured.

5. Considering the facts and circumstances of the case and taking note of the fact that the victim has been secured, the custodial interrogation of the petitioners is not necessary in this case and hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 District Munsif-cum-Judicial Magistrate, Nannilam**, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) **the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation.**

(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 has 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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

11/05/2022

WEB COPY

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

TRUE COPY

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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S.M.MATHAN RAJ Advocate on payment of necessary charges

CRL OP.10988/2022

Date :11/05/2022

TA-17/05/2022