



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.11124 of 2022

1 M.SUMITHA
2 P.MOORTHY

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
VEERAGANUR POLICE STATION,
AATHUR TALUK, SALEM DISTRICT.
(CRIME NO.NOT KNOWN)

[RESPONDENT]

For Petitioner : M/S.V.ASHOK KUMAR Advocate

For Respondent : MR.S.SUGENDRAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 359, 361 and 506(ii) of IPC, in Crime No. Not Known of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner's son viz., Sakthivel had eloped with his girl friend viz., Manjula from the same village. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are in 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 would strongly oppose to grant anticipatory bail to the petitioners stating that the victim girl has not been secured and the investigation is still pending.



5. Considering the facts and circumstances of the case and also the custodial interrogation of the petitioners is not necessary in this case, this Court is inclined to grant anticipatory bail to the petitioners.

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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 Judicial Magistrate, Aathur, on condition that each of the petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 shall affix their photograph 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, 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

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.



1 THE JUDICIAL MAGISTRATE,
AATHUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VEERAGANUR POLICE STATION,
AATHUR TALUK, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.V.ASHOK KUMAR Advocate on payment of necessary
charges SR.No.6916

CRL OP.11124/2022

Date :11/05/2022

CSK 13/05/2022