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Crl.O.P.No.21738 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21738 of 2022

1. Karthikeyan

2. Sakthivel

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
North Police Station,
Tiruppur.
(Crime No.997/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in Crime
No.997 of 2022 on the file of the respondent police.

For Petitioners : Mr.K.Balasubramaniam

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 21.08.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 366, 447, 511 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.997 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that A1 in this case is an advocate and the victim is also an advocate and A1 had love affair with the victim/sister of the defacto complainant and it was objected to by the family members. While so, on the day prior to the marriage of the victim, A1 along with the other accused, trespassed into the house and assaulted the defacto complainant's uncle and other family members and had kidnapped the victim girl. Based on the complaint given by the defacto complainant, a case was registered as against the accused. Hence the complaint.



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3. The learned counsel appearing for the petitioners would submit that A1 and the victim are having having love affair and it was objected to by the family and they have arranged for the marriage against her choice. On her instructions, the petitioners along with A1 gone to rescue the victim and a false complaint has been given as against the accused. He would further submit that A1 has been granted anticipatory bail and these petitioners were arrested on 21.08.2022 and the injured has also been discharged. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that A1 had love affair with the sister of the defacto complainant and it was objected to by the family members. While so, on the day prior to the marriage of the victim, A1 along with the other accused, trespassed into the house and assaulted the defacto complainant's uncle and other family members and had kidnapped the victim girl. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing 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 **learned Judicial Magistrate No.1, Tiruppur** and on further conditions that:

[a] 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required;



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[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 229A IPC.

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A.D.JAGADISH CHANDIRA., J.

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To

1. The Judicial Magistrate No.1,
Tiruppur.
2. The Inspector of Police,
North Police Station,
Tiruppur.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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