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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28.02.2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.3887 of 2022**

Nallamani ... Petitioner/Sole Accused

Vs

State rep.by  
The Inspector of Police,  
Gandamanur Police Station,  
Theni District.  
(Crime No.82 of 2021)

... Respondent/Complainant

For Petitioner : M/s.K.Mathan, Advocate.

For Respondent : M/s.R.Sivakumar,  
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.82 of 2021 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 363 IPC, in Crime No.82 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioner kidnapped the defacto complainant's daughters. Hence, the complaint.

3.The learned Government Advocate (Criminal Side) would submit that the petitioner has filed a petition in Crl.O.P.(MD)No.6638 of 2021 seeking anticipatory bail and this Court, vide order dated 12.05.2021, has granted anticipatory bail imposing certain



conditions. He would further submit that the petitioner has filed an application in CrI.M.P.(MD)No.5214 of 2021 seeking extension of time and this Court has extended time by ten (10) days on deposit of sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Government of Tamil Nadu, CMPRF.

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4.The learned counsel for the petitioner would submit that due to COVID-19 restrictions, the petitioner was not in a position to furnish the sureties and comply with the order and thereby, he was forced to file the present petition.

5.Considering the above facts and circumstances and also the fact that the petitioner was already granted anticipatory bail by this Court and subsequently, time was extended, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Andipatti, Theni District.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, Theni District, on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police as and when required for interrogation.

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

[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-  
28/02/2022

/ TRUE COPY /

/ /2022

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

CSM

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,  
ANDIPATTI, THENI DISTRICT.
2. -DO- THROUGH  
THE CHIEF JUDICIALMAGISTRATE,  
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,  
GANDAMANUR POLICE STATION,  
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:

THE OFFICER INCHARGE,  
CHIEF MINISTER PUBLIC RELIEF FUND,  
SECRETARIAT, CHENNAI-9.

+1. CC to M/S.MATHAN K Advocate SR.No.1637

ORDER  
IN  
CRL OP(MD) No.3887 of 2022  
Date :28/02/2022