



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.4518 and 4600 of 2022

C.Prabu : Petitioner/Accused No:Unknown
(CRL.OP(MD).No.4518 of 2022)

Sundararaj,
(Wrongly mentioned as
Lethu Pattarai Sankar in FIR) : Petitioner/Ranking Not Known
(CRL.OP(MD).No.4600 of 2022)

Vs

1. The State Rep. By,
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
Cr. No. 100/2022. ... Respondent/Complainant
in both the petitions

2. S.Chitra ... Intervenor/Defacto Complainant
(CRL.OP(MD).No.4518 of 2022)

(in CRL.OP(MD).No.4518 of 2022)
For Petitioner : Mr. Joseph Jerry.A,
Advocate.

For Intervenor : Mr.A.Siva Subramanian, Advocate

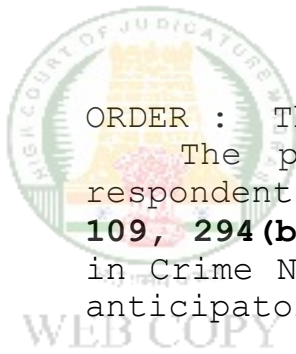
(in CRL.OP(MD).No.4600 of 2022)
For Petitioner : Mr.Sukumar,V.
Advocate.

(in both petitions)
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 100 of 2022 on the file of
the Respondent police.



ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under **Sections 109, 294(b), 323, 341, 366, 506(1) IPC and Section 4 of TNPHW Act**, in Crime No.100 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused had abducted the victim, abused her in filthy language and compelled her to marry the first accused. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the main accused A1 and A2 were already granted bail by the learned Principal Sessions Court.

4.It is evident from the orders passed by the learned Principal Sessions Judge that the learned Judge has specifically observed that the respondent failed to file status report, in spite of adjournment for two hearings and that considering the fact that the accused 1 and 2 were in prison for 15 days and also considering the fact that the victim girl was secured, the learned Judge granted bail to the accused.

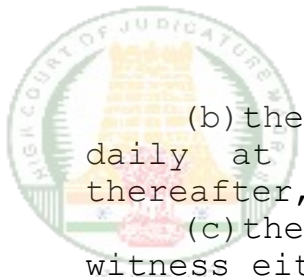
5.The learned counsel for the intervenor has raised serious objections to grant anticipatory bail to the petitioners herein.

6.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is pending.

7.Considering the nature of the charges levelled against the petitioners and also the fact that the petitioners are not having any bad antecedents as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Karur, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 thirty (30) days and thereafter, as and when required for interrogation.

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

(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 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]**; and;

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

sd/-

22/03/2022

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

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 NO.I, KARUR DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3. THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-2403[I] dated
23/03/2022)

ORDER IN

CRL OP(MD) No.4518 of 2022

Date :22/03/2022

USK/PN/SAR-IV/01.04.2022/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>