



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7374 of 2022

Suresh

... Petitioner/3rd Accused

Vs

The State rep.by,
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime.No.238/2021.

... Respondent/Complainant

For Petitioner : MR.R.M.Suresh,
Advocate.

For Respondent : Mr.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.238 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 offences punishable under Sections 147, 148, 323, 324, 366, 452, 506(ii) and 511 of IPC and Section 4 of TNPHW Act, in Crime No.238 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A3 along with accused 1 and 2 attempted to kidnap the defacto complainant's daughter namely Priya from their residence, with an intention to forcibly perform marriage and also attempted to rob the jewels by trespassing into the house with deadly weapon and threatened the defacto complainant and his daughter with dire consequences. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed a petition in Crl.OP(MD)No.7055 of 2021, seeking anticipatory bail, this Court vide order dated 27.05.2021 in Crl.OP(MD)No.7055 of 2021 granted anticipatory bail with certain conditions. He



would further submit that due to Covid -19 pandemic situation, he could not arrange the sureties within stipulated time.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that after completion of the investigation, the respondent Police has filed a charge sheet before the jurisdictional Court and the case is yet to be taken on file.

5.Considering the facts and circumstances of the case and also the facts that the investigation is completed as stated by the learned Government Advocate (Criminal Side), that the charge sheet has been laid and also taking note the fact that the petitioner was already granted anticipatory bail in Crl.OP(MD)No.7055 of 2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Valliyoor, on condition that the petitioner 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30.am for a period of one month and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with 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]***; and;

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

sd/-

27/04/2022

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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
VALLIYOOR

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

3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to MR.R.M.SURESH, Advocate (SR-4080[I] dated 29/04/2022)

ORDER

IN

CRL OP(MD) No.7374 of 2022

Date :27/04/2022

DAS

MK/JM/SAR.IV/05.05.2022/3P/6C