



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.06.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10242 of 2022

1.Vijay @ Prabhu @ Vijayaprabhu

2.Micheal @ John Paul @ Michel John Paul

... Petitioners/Accused Nos.3 & 4

Vs

THE STATE REP BY,
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.

Crime No.184 of 2022

... Respondent/Complainant

For Petitioners : Mr.S.Ragaventhre, Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.184 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 448, 342, 366, 294(b), 324 and 506(ii) IPC, in Crime No.184 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with A1 and A2 kidnapped the de-facto complainant in the car with an intention to marry, but the de-facto complainant's brother followed the car and intercepted the vehicle and further, pelted stones on the back side mirror of the car, when the de-facto complainant tried to get down from the car, A1 stabbed the de-facto complainant with a knife on the right side of the knee and further, the brother of the



de-facto complainant pulled out the de-facto complainant from her car and that when the public came, the accused persons escaped from that place. 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 A1 and A2 were already arrested and released on bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and that the petitioners are not having any previous case.

5.Considering the above facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital, that except the offences under Sections 366 and 506(ii) IPC, all other offences are bailable in nature, that A1 and A2 were already arrested and released on bail and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Shencottai, 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 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:

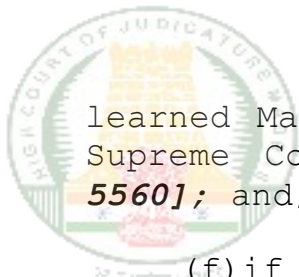
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 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 petitioners shall not tamper with 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



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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/06/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
COURTALLAM POLICE STATION, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAGAVENTHRE, Advocate (SR-5516[I] dated 14/06/2022)

ORDER
IN
CRL OP(MD) No.10242 of 2022
Date :10/06/2022

sj i
PKP/JM/SAR- /15.06.2022/3P/6C