



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

Date : 03/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.19425 of 2022

Suriya Prakash @ Prakash

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Elumalai Police Station,
Madurai District,
in Crime No.163/2022.

... Respondent/Complainant

For Petitioner : M/s.Praveenkumar P,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.163/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 365 and 511 IPC, in Cr.No.163 of 2022, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner and other accused were attempted to kidnap the de-facto complainant's grandson . Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of A1, the petitioner has been arrayed as accused in this case. He would further submit that to take Tik Tok, A1 to A3 performing, like to kidnap the victim boy and the same was wrongly understood by the de-facto complainant, he preferred the false complaint against the petitioner along with A1 to A3. He would further submit that A1 to A3 were already arrested and released on bail. Hence, he prays for anticipatory bail.

<https://www.mhc.tn.gov.in/judis> learned Government Advocate(Crl.Side) would submit that all the accused persons tried to kidnap the de-facto complainant's grandson. The petitioner is having no previous case. However,



considering the gravity of offence, he strongly opposed it anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the facts that the co-accused have already been released on bail and the petitioner is not having any bad antecedents, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 until further orders.

(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/-

03/11/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO. II, USILAMPATTI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT,

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

+1 CC to M/s. P. PRAVEENKUMAR, Advocate (SR-12369[I] dated
03/11/2022)

ORDER

IN

CRL OP(MD) No. 19425 of 2022

Date : 03/11/2022

RK/SSS/SAR-4 (11/11/2022) 3P/6C