



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

Date : 08/11/2022

PRESENT

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

CRL OP(MD) . No.19725 of 2022

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Arumugam ... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
(Crime No.370/2022.).

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed D S,
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.370/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 363, 366 and 511 IPC in Cr.No.370 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is studying B.Sc., 3rd year at Govindammal Arts and Science College, Tiruchendur, Thoothukudi District. On 03.11.2022 at about 08.30 a.m., when the de-facto complainant was in her college entrance, the petitioner along with his friends came there and tried to kidnap the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there was an engagement held between the petitioner and the de-facto complainant. During such time, there was a family dispute between the petitioner and the family members and the petitioner so as to convince the de-



facto complainant, he went to the de-facto complainant's co. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that totally three accused in this case and the petitioner is arrayed as A2. The petitioner and other accused tried to kidnap the de-facto complainant and the investigation is still pending. Hence, he prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the charges levelled against the petitioner, 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, Tiruchendur, 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;



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

sd/-

08/11/2022

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/11/2022

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

SJI

TO

1. The Judicial Magistrate, Tiruchendur.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-12693[I] dated
09/11/2022)

ORDER

IN

CRL OP(MD) No.19725 of 2022

Date :08/11/2022

RD/SSS/SAR-I(15/11/2022) 3P 6C