



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19827 of 2022

1. Madasamy

2. Thanasekaran ... Petitioners/Accused Rank not known

Vs

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

... Respondent/Complainant

For Petitioners : 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 363, 366 and 511 IPC in Crime No.370 of 2022, seek 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 petitioners along with his friends came there and tried to kidnap the de-facto complainant. Hence, the complaint.



3.The learned counsel for the petitioners would submit that there was an engagement held between the first accused and the de-facto complainant. During such time, there was a family dispute between both the family members and the first accused so as to convince the de-facto complainant, he went to the de-facto complainant's college along with the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that the petitioners and other accused tried to kidnap the de-facto complainant and the investigation in this case is still pending. He would further submit that in this case, co-accused was already granted anticipatory bail by this Court and the petitioners are not having any previous case.

5.Considering the facts and circumstances of the case and also considering the charges levelled against the petitioners and also the facts that co-accused was already granted anticipatory bail by this Court and the petitioners are not having any previous case, 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 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, Tiruchendur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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:

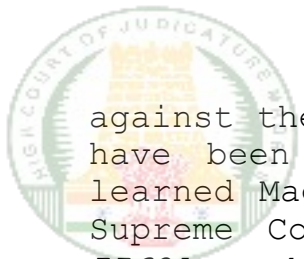
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

sd/-

09/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI.
- 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.HAROON RASHEED D S Advocate SR.No.12694

ORDER

IN

CRL OP(MD) No.19827 of 2022

Date :09/11/2022

SS/BUC/SAR I/22/11/2022/ 3P 6C