



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

Date : 23/12/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL OP(MD) . No.22957 of 2022

Sekar @ Velu Sekar

... Petitioner/Accused No.3

Vs

The State Rep. by,  
The Inspector of Police,  
Tideer Nagar Police Station,  
Madurai City.  
(Cr.No.727 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Sridharan.M,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No.727 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366,342,294(b),323, 324, 506(ii) of IPC in Crime No.727 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Arulmurugan, is that due to a financial dispute, on 26.11.2022, the accused have kidnapped the de-facto complainant from Trichy and taken him to Madurai, wherein, they have picked up his friend, one Murugandandam, and thereafter, they have taken to Ramanathapuram and left them there. Subsequently, once again on 28.11.2022, the accused have kidnapped the de-facto complainant and his friend from Trichy and taken to Ramanathapuram and have indiscriminately assaulted them with hands and wooden logs and thereafter, had dropped them on the outer road of Ramanathrapuam, from where, the de-facto complainant had took a bus to Trichy and reached home on early hours of 29.11.2022 and thereafter, he was at



home for one day and on 02.12.2022, he got admitted in hospital. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that co-accused in this case were granted anticipatory bail by this Court in Crl.O.P(MD) No.21797 of 2022 dated 09.12.2022. He would further submit that since he happens to be the friend of A1 his name has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

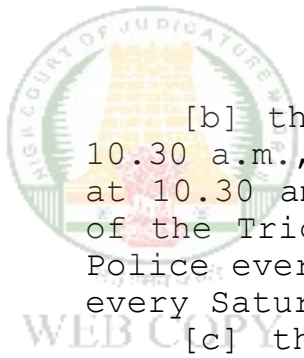
4. The learned Government Advocate (Crl.side) would submit that on 26.11.2022, the petitioner along with other accused said to have kidnapped the de-facto complainant from his residence at Trichy and thereafter, taken him all the way to Madurai, from Madurai, they have picked up his friend one Muruganandam from a lodge and thereafter, taken them to Ramanathapuram and they have left them. Subsequently, once again on 28.11.2022, the accused kidnapped the de-facto complainant and his friend Muruganandam and taken them to Ramanathapuram, where, they have assaulted them indiscriminately with hands and wooden logs resulting them in sustaining injuries and the de-facto complainant was admitted in hospital. Based on the complaint, since the kidnap was committed at Madurai, the case was originally registered by the Thideer Nagar Police Station, Madurai and now since the genesis of the case is from Trichy, the case is transferred to the file of Trichy Police.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also the fact that the co-accused in this case were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.V, Madurai**, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am and in the event of case being transferred to the file of the Trichy Police, the petitioner shall report before the Trichy Police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/12/2022

/ TRUE COPY /

/01/2023

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

AAV

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
TIDEER NAGAR POLICE STATION, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SRIDHARAN, Advocate ( SR-15595[I] dated 27/12/2022 )

ORDER

IN

CRL OP(MD) No.22957 of 2022

Date :23/12/2022

USK/MMS/SAR-II/03.01.2023/3P/6C