



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.333 of 2023

Subbiah

... Petitioner/Accused No.1

-vs-

State represented by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram,
Ramanathapuram District.
(Cr.No.282 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.282 of 2022.

For Petitioner	: Mr.T.Lingaraj, Advocate
For Respondent	: Mr.P.Kottai Chamy
	Government Advocate (Crl.side)

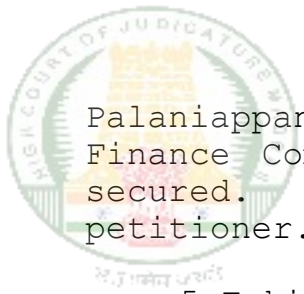
O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 363(A) and 364 of IPC in Crime No.282 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 28.12.2022 at about 10.30 am, when the de-facto complainant and his friend Palaniappan came from the police station, the petitioner and other accused have threatened them and kidnapped the said Palaniappan, who is working as a Director in the New Raise Alayam Finance Company. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is actually the victim and he had deposited huge amount in New Raise Alayam Finance Company and the de-facto complainant and its partners have cheated the petitioner and other investors and when it was questioned by the petitioner, a false complaint has been given.

4.The learned Government Advocate (Crl.side) would submit that on 28.12.2022 at about 10.30 am, when the de-facto complainant and his friend Palaniappan came from the police station, the petitioner and other accused have threatened them and kidnapped the said



Palaniappan, who is working as a Director in the New Rais Finance Company. He would also submit that the victim has been secured. He would oppose for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 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.I, Ramanathapuram, 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 police everyday at 10.30 a.m., 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]**.

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

sd/-

06/01/2023

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

cmr

<https://www.mhc.tn.gov.in/judis>



To

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.LINGARAJ.T, Advocate (SR-372[I] dated 09/01/2023)

ORDER

IN

CRL OP (MD) No.333 of 2023

Date :06/01/2023

RS/SSS/SAR.1(20.01.2023) 3P-6C