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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2023

PRESENT

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

CRL OP(MD). No.888 of 2023

1. M.Jegadeeswaran,
2. D.Jaiganesh,
3. K.Aravindan,

... Petitioners/Accused Rank not known

Vs

The State rep.by,.
The Inspector of Police,
Perumalpuram Police Station.
Crime No.356 of 2022.

... Respondent/Complainant

For Petitioner : Mr.K.Kharikharadas
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

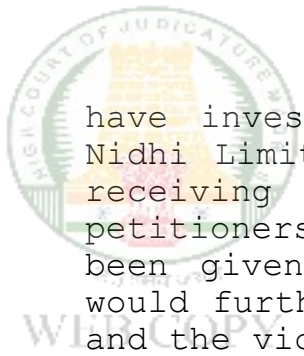
For Anticipatory Bail in Crime No.356 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 365 of I.P.C., in Crime No.356 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the defacto complainant Anu, is that on account of a financial dispute, the accused have kidnapped her husband in a Bolero Car. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been
https://www.mca.gov.in/ filed by the respondents. The respondents would further submit that the petitioners and A1 and A2



have invested in the financial company, namely, Biique Nidhi Limited run by the husband of the defacto complainant, after receiving the money, he had cheated the depositors and the petitioners have questioned the same, whereas, a false complaint has been given as if the petitioners have kidnapped her husband. He would further submit that A1 and A2 in this case have been arrested and the victim is stated to have been secured from the custody of A1 and A2 and the petitioners have nothing to do with the alleged offence. He would further submit that the fact remains that the victim was involved in a criminal case registered by Chennai Police and he is right now in Puzhal Prison. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that due to financial dispute, the petitioners along with other accused kidnapped the husband of the defacto complainant. He would further submit that A1 and A2 have been arrested and the victim has been secured and he would object for grant of anticipatory bail.

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

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tirunelveli, 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 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 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

<https://www.mca.gov.in/Misc> Magistrate/Trial Court himself as laid down by the Hon'ble



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Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SC .
[f] If the accused thereafter absconds, a fresh FIR can be
registered under Section 229A IPC.

sd/-
12/01/2023

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/01/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE,
TIRUNELVELI.

2 -DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION.

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

+1. CC to RAJA J Advocate SR.No.810(I)

ORDER
IN
CRL OP(MD) No.888 of 2023
Date :12/01/2023

VA/MMS/SAR-3/24.01.2023/3P/6C