



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.3482 of 2023

WEB COPY

P.Vadivel

...Petitioner/Accused Rank
not known

-vs-

The State represented by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Cr.No.67 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.67 of 2023 on the file of the respondent Police.

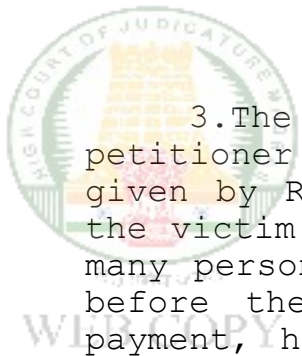
For Petitioner : Mr.E.Mareeskumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 341, 294(b), 364 A, 506 (2) IPC in Crime No.67 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Raju is that his son-in-law Umayalingam is running a Sailinga Temple and conducting pooja and involving in social work. While so, on 02.02.2023, his son-in-law after completing pooja had come along with one Gomathiraja and at that time 6 persons waylaid him and kidnapped him and when the said Gomathyraja questioned them, they told that they will kill Umayalaingam if they would not give Rs.7 lakhs and thereafter, the defacto complainant has received a phone call from cell No.96004 55310 and the person who called him threatened him for ransom of Rs.3 lakhs. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is an innocent person and a false complaint has been given by Raju, who is his father-in-law of the alleged victim and the victim by name Umayalingam is a dubious person, who had cheated many persons and received money and there are 30 complaints lodged before the Vachakarapatti Police Station and in order to evade payment, he has given a false complaint through his father-in-law alleging that he was kidnapped by the accused for ransom and the alleged victim has issued a cheque for Rs.7 lakhs and it was presented for collection and it was returned for insufficient funds. He would reiterate that the alleged victim is a rank cheat against whom several cases are pending. He would further submit that the co-accused in this case have been granted anticipatory bail by this Court vide order dated 08.02.2023 in Crl.O.P(MD)No.2521 of 2023. He would pray for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that the petitioner along with main accused had kidnapped the son-in-law of the defacto complainant for ransom and they have demanded money by calling the defacto complainant through mobile phone. He would further submit that the first accused has been arrested and he was released on bail and the petitioner has no previous case. He would oppose for grant of anticipatory bail to the petitioner.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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.II, Kovilpatti, on condition that the petitioner shall execute 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:

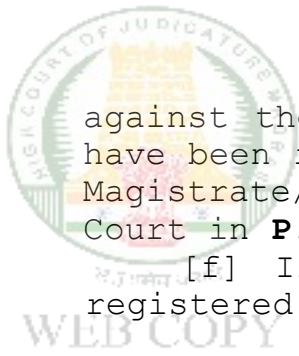
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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/-

01/03/2023

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

CM

To

1.The Judicial Magistrate No.II, Kovilpatti.

2.-do-Through The Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.E.MARRESKUMAR, Advocate (SR-3238[I] dated 02/03/2023)

ORDER

IN

CRL OP(MD) No.3482 of 2023

Date :01/03/2023

RD/AR/SAR-IV (09/03/2023) 3P 5C