



Crl.O.P.(MD)No.18819 of 2023

WEB COPY

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

Date : 05.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM
Crl.O.P.(MD)No.18819 of 2023

R.Rajendran

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Cantonment Police Station,
Trichy City,
Trichy
(Crime No.253 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.M.Ajmal Khan,Senior Counsel
for Mr.Y.Prakash, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.253 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 452, 364A, 365, 347, 350, 323, 506(i), 294(b), 340, 120(b), 34, 354, 387 & 389 IPC and Section 4 of TNPHW Act in Crime No.253 of 2022, seek anticipatory bail.



Crl.O.P.(MD)No.18819 of 2023

WEB COPY

2.The case of the prosecution is that on 05.02.2022, the accused persons abducted and assaulted the defacto complainant and also forcibly obtained signatures on blank cheques and other documents. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned counsel appearing for the intervenor would submit that the defacto complainant was working as Supervisor in the accused's hotel at Qatar. When the defacto complainant asked leave to come to India, the same was refused and the Manager threatened him with dire consequences. Therefore, the defacto complainant resigned his job and left Qatar without informing the Hotel Management. On 05.02.2022, some unknown persons kidnapped the defacto complainant to a hotel wherein, all the accused were present. They have threatened the defacto complainant and also attacked him. They had also accusing him for misappropriation of amount and got signatures from him in a blank cheques. Therefore, the defacto complainant strongly opposed to grant anticipatory bail to the petitioners.



Crl.O.P.(MD)No.18819 of 2023

5. The learned Additional Public Prosecutor appearing for the respondent police would submit that the complaint was received from the learned Judicial Magistrate under Section 156(3) Cr.P.C. The investigation reveals that there is no kidnap taken place. He would further submit that the investigation is almost completed.

6. On perusal of records, it is noticed that there is no kidnap taken place as alleged by the defacto complainant and the investigation is also almost completed.

7. Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioner is having permanent residence at Trichy District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking



Crl.O.P.(MD)No.18819 of 2023

into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

8.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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, Trichy on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the trial Court on summons.



Crl.O.P.(MD)No.18819 of 2023

WEB COPY

[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/-
05/12/2023

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar (C.S. -I, II, III, IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO
1.THE JUDICIAL MAGISTRATE NO.II, TRICHY.

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



Crl.O.P.(MD)No.18819 of 2023

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

WEB COPY

3.THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TIRUCHY CITY, TRICHY.

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

+1 cc to MR.R.L.DHILIPAN PANDIAN, Advocate SR-17379

+1 cc to MR.Y.PRAKASH, Advocate SR -17274

ORDER

IN

CRL OP(MD) No.18819 of 2023

Date :05/12/2023

RK/VR (02/01/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023