



CRL OP(MD) No.4762 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Twenty Sixth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4762 of 2024

1 KAVIYATHAMIZHAN

2 ABISEK

3 MAGESHKUMAR

4 RAGUL ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
KK NAGAR POLICE STATION
TRICHY DISTRICT.
CRIME NO.32/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAMESHKUMAR.S, Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.32/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ Accused rank not known, who apprehends arrest at the hands



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of the respondent police for the offences punishable under sections 147, 366, 323 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Actin Crime No.32 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioners and accused Nos.1 are friends. The 1st accused is the victim girl's uncle. Due to the affection on the victim girl, the accused persons kidnapped her in order to perform the marriage between the first accused and the victim girl. However, due to the non-cooperation of the victim girl, they have again dropped the victim girl nearby her house. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He would further submit that the petitioners are the friends of the A1 and on request made by the A1 for arranging a rental car to meet his uncle's daughter, the petitioners arranged the car and went to Trichy along with A1. At that time, the A1 forcefully pulled the victim into the car, but the petitioners and other accused persons warned the A1 and safeguarded the victim girl to leave the place of occurrence. The victim girl misunderstood the act of the petitioners and



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gave a complaint against the petitioners also. Further, the A1 granted bail by this Court in Crl.O.P(MD) No.3405 of 2024, vide order dated 04.03.2024. hence, he prayed to grant bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioners along with A1 attempted to kidnap the victim girl in order to perform marriage with the A1. Hence, he vehemently opposed to grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the prime accused viz.,A1 was enlarged on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are granted anticipatory bail and they are is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli, 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 and on further condition that:



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(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks, thereafter, as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 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]*; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
26/03/2024

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/04/2024

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

INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TIRUCHIRAPPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
KK NAGAR POLICE STATION
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.RAMESH KUMAR, Advocate (SR-3698[I] dated 26/03/2024)

ORDER
IN
CRL OP(MD) No.4762 of 2024
Date :26/03/2024

SS/JGB/SAR- /16/04/2024/5P/6C

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