

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16184 of 2018

DURAIRAJ

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
POLLACHI TOWN EAST POLICE STATION,
COIMBATORE DISTRICT,
CR.NO. 221 OF 2018

For Petitioner : M/S.M.N.BALAKRISHNAN Advocate

For Respondent : MR.C.RAGHAVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.221 of 2018 registered by the respondent police for the offence punishable under Section 380 of IPC.

2. The occurrence had taken place on 15.06.2018 and the FIR was registered on 16.06.2018 The case of the prosecution as per the de-facto complainant one Sudha, wife of Sivakumar is that the petitioner, who is her father-in-law, had entered into the house and breaking open the door, taken away the documents and also some utensils and thereby, he committed theft from the house.

3. The learned counsel for the petitioner would submit that the petitioner is the father-in-law of the defacto complainant and the house belongs to him and that there is a dispute between the petitioner and his son regarding maintenance. He would submit that the petitioner filed a petition for maintenance before the Sub Collector, Pollachi seeking maintenance from his son and daughter-in-law, wherein the petitioner's son was directed to pay maintenance to his father/the petitioner herein, since the petitioner's son has not obeyed the direction, a false complaint has been given as if the petitioner had entered into the house and committed theft. He would submit that the petitioner's son assaulted the petitioner and caused injuries to him and that the petitioner lodged a complaint against his son and daughter-in-law before the same respondent in Crime No.37 of 2018, which is pending and it is a counter case.

4. The learned Government Advocate (Crl.Side) opposed to grant anticipatory bail stating that the petitioner, who is the father-in-law of the defacto complainant committed theft of documents and other utensils.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Pollachi, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m for a period of one week and thereafter, as and when required for interrogation;

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLLACHI TOWN EAST POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR NO.11807

CRL OP.16184/2018

Date :28/06/2018

MK:03/07/2018