

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.27370 of 2018

1 VARDHAN @ VARDHAPILLAI
2 SUSEELA
3 REVATHI

[PETITIONERS / ACCUSED]

Vs

STATE BY ITS
THE INSPECTOR OF POLICE,
CHUNAMBEDU POLICE STATION,
CHUNAMBEDU,
KANCHIPURAM DISTRICT.
(CRIME NO.129 OF 2018)

[RESPONDENT]

For Petitioners : M/S.K.G.SENTHIL KUMAR Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent-police for the alleged offences punishable under Sections 294(b), 323, 420 and 506(i) of IPC in Crime No.129 of 2018, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioners are arrayed as A2 to A4. The first petitioner is the father of A1, the second petitioner is the mother of A1 and the third petitioner is the wife of A1. The defacto-complainant is living together and having relationship with the first accused for the past 20 years and gave birth to one male child, now aged about 19 years and when the defacto-complainant asked money for maintenance and his son's college education, A1/ Selvam refused to give money to her and scolded with filthy language. When the defacto-complainant informed to the petitioners about the act of the first accused, but they threatened her with dire consequences. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are relatives of the first accused. The defacto-complainant made a false case against the petitioners. Further, the learned counsel submitted that the defacto-complainant lodged a complaint belatedly and they have no bad antecedents. Further, they are willing to co-operate with the investigation. Thus, he prayed for grant of anticipatory bail.

5. The learned Additional Public Prosecutor would submit that the first accused was arrested and subsequently released on bail. The petitioners 1 and 2 are parents and the third petitioner is the wife of the first accused. Further, she would submit that A1 is living together and having relationship with the defacto-complainant for the past 20 years and she gave a birth to one male child. Therefore, the learned Additional Public Prosecutor vehemently opposed for grant of Anticipatory Bail.

6. It is seen from the records that the first accused is having relationship with the defacto-complainant and gave birth to one male child. Now the child is aged about 19 years, and she asked money for her son's higher education and the petitioners and the first accused threatened her with dire consequences.

7. Considering the entire conspectus of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 is made ready, before the learned Judicial Magistrate, Uthiramerur on condition that the petitioners 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 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 as and when required for interrogation.

[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 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 229A IPC.

-sd/-
26/11/2018

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,
UTHIRAMERUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHUNAMBEDU POLICE STATION,
CHUNAMBEDU,
KANCHIPURAM DISTRICT

+1CC to M/S.K.G.SENTHIL KUMAR Advocate on payment of necessary charges SR.NO.22388

CRL OP.27370/2018

Date :26/11/2018

cm 03/12/2018