

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 8043 of 2020

G. Sity Babu,
S/o. Ganesamoorthy,
Veeramurdiyanatham & Post,
Bhuvanagiri Taluk,
Cuddalore District,
Tamilnadu.

.. Petitioner

State Represented by
Inspector of Police,
Sethiyathope Police Station,
Sethiyathope, Cuddalore District,
Tamilnadu.

.. Respondent

[Crime No. 186 of 2019]

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr. G. Murugendran

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Sections 147, 148, 341, 342, 323, 324 and 302 of I.P.C., in Crime No. 186 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that, the deceased who was married, having two children eloped with one Chinnamani who is younger to her and belonging to a different caste. On coming to know this, the elders of the community to which the deceased belonged to, traced them and brought to the village. In the house of the petitioner, both the deceased and the said Chinnamani were beaten severely by the accused persons and the villagers humiliated A1, father of the deceased. The accused persons imposed fine of Rs.50,000/- on both the family to be paid to the Mariamman Temple and excommunicated them from the village. By this humiliation, A1 who is father of the deceased, along with A10, strangled the deceased. On complaint, a case has been registered under Sections 147, 148, 341, 342, 323, 324 and 302 of I.P.C.

3.The learned counsel appearing for the petitioner submitted that after the deceased eloped with younger person belonging to another community, the family of the said person traced the deceased and the said Chinnamani and brought to the village. The petitioner is a respectable person in the locality, his wife and brother are elected as Councillor and President of the panchayat respectively. Due to that, the villagers voluntarily brought the deceased and said Chinnamani and his family members to the petitioner's house for panchayat. The petitioner, in order to avoid untoward incident, pacified the people gathered and sent the deceased along with her father A1 and the said Chinnamani along with his relatives. After several hours, in a far away place of the village, the occurrence has taken place. The petitioner is innocent and he has been falsely implicated in the case. The learned counsel appearing for the petitioner further submitted that the occurrence has taken place on 01.09.2019 and all the accused persons were enlarged on anticipatory bail, except the petitioner. A1, A3, A5 and A11 to A15 were arrested and enlarged on bail by this Court and A4, A6 to A9 were granted anticipatory bail by this Court. The petitioner is having various health problem, he is a law abiding citizen and is ready and willing to abide by any

condition that may be imposed by this Court and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the deceased who was a married women eloped with one Chinnamani who belongs to different community. The petitioner and other villagers traced the deceased and Chinnamani and held a panchayat in the house of the petitioner, in the presence of both the families. After the said panchayat, A1 murdered his daughter. The investigation is pending and hence, opposed for granting anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts of the case, the date of occurrence, A1, A3, A5 and A11 to A15 were arrested and enlarged on bail by this Court and A4, A6 to A9 were granted anticipatory bail by this Court

and the custodial interrogation of the petitioner is not necessary, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Court of the Judicial Magistrate I, Chidambaram, 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 Judicial Magistrate I, Chidambaram, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) The petitioner and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) The petitioner shall report before the respondent Police daily at 10.30 a.m, until further orders.

(iii) The petitioner shall not abscond either during investigation or trial. The petitioner shall not tamper with evidence or witness either during

investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, this Criminal Original Petition is allowed.

29.05.2020

Index : Yes / No
gsa

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To

1.The Inspector of Police,
Sethiyathope Police Station,
Sethiyathope, Cuddalore District,
Tamilnadu.

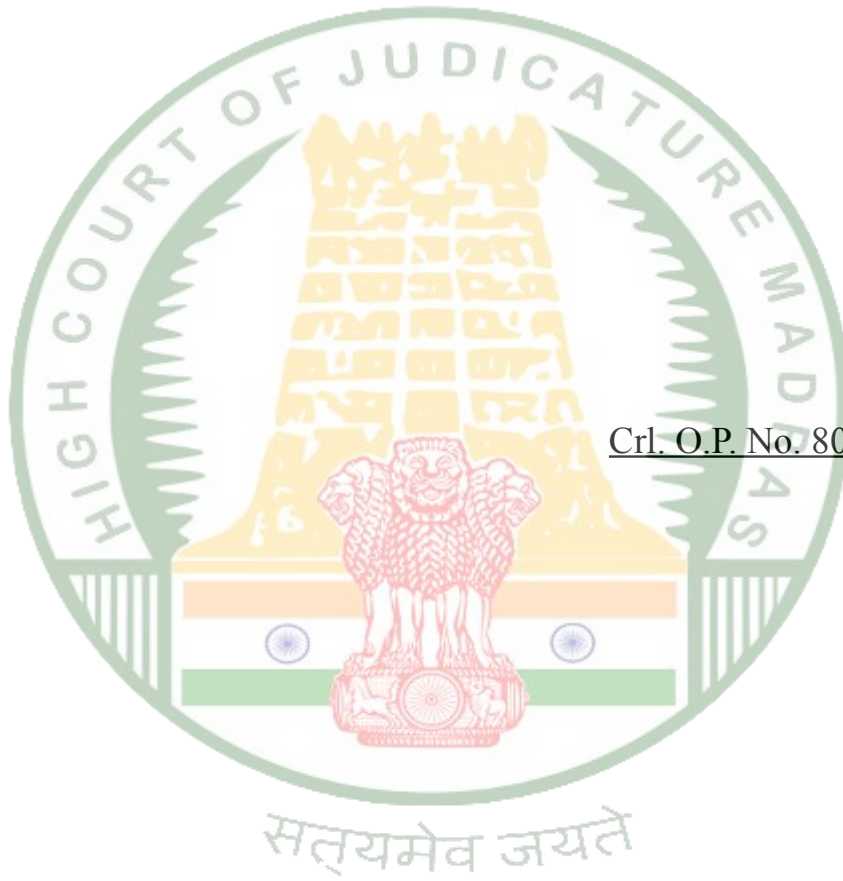
2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

gsa



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