

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.OP.No.8068 of 2020

1. Girija
2. Lokesh Babu

... Petitioners

Vs

State Rep.by
The Inspector of Police,
Minjur Police Station,
Tiruvallur District.
Crime No.1420 of 2020.

.... Respondent

Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of his arrest from the hands of respondent police in Crime No.1420 of 2020.

For Petitioner : Mr. P. Ananda Kumar

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 306 of I.P.C. in Crime No. 1420 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 is the financier and he is said to have advanced loan to the deceased Sarath Kumar. The petitioners are his wife and son, who are ranked as A2 & A3. A1 is said to have developed a illegal intimacy with the wife of the deceased resulting in the deceased taking the extreme step of committing suicide. The FIR was initially registered under Section 174 of Cr.PC., and was later altered to 306 of IPC.

3. The learned counsel for the petitioners submitted that A1 was already arrested and remanded to judicial custody and these petitioners have nothing to do with the alleged offence.

4. Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent, on instructions, submitted that the petitioners were made as accused based on the recorded

version of the deceased and his mobile phone, wherein, he has stated that apart from A1, the petitioners are also responsible for the deceased to take the extreme step of committing suicide.

5. Taking into consideration the facts and circumstances, 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 made ready, before the learned Judicial Magistrate, Ponneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties and those sureties shall be a common sureties 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 are directed to appear before the respondent police on every Monday at 10.30 a.m. for a period of eight weeks and thereafter 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 person thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
16/06/2020

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

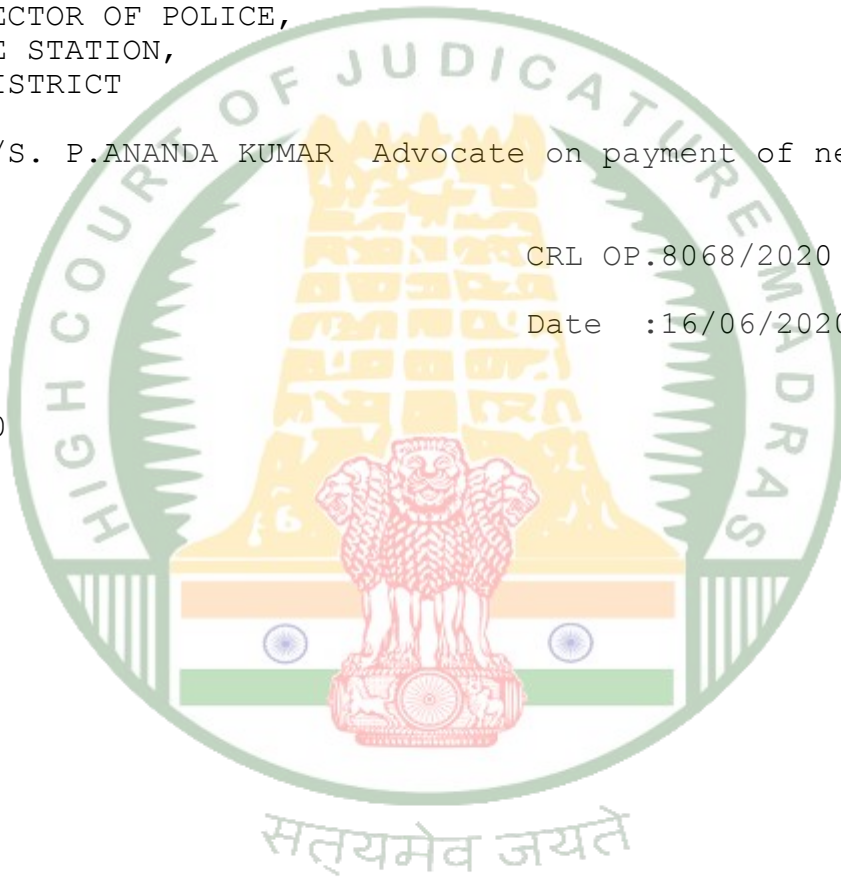
4 THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
TIRUVALLUR DISTRICT

CC to M/S. P.ANANDA KUMAR Advocate on payment of necessary
charges

CRL OP.8068/2020

Date :16/06/2020

TA-09/09/2020



WEB COPY