

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11046 of 2020

1.Tirupathi ... Petitioners/Accused A3 & A4
2.Parimala

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Thirupathur Taluk Police Station,
Vellore District.
(Crime No. 595 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.595 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Selvaraju
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 342, 294(b), 323, 384, 511, 506(ii) of IPC in Crime No. of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the first petitioner's brother and the second petitioner's husband viz., Venkateshan, who is A1 had entered into a Sale Agreement with the defacto complainant for purchasing the land of the complainant and has paid an amount of Rs.1,00,000/- as an advance. Despite the agreement, the defacto complainant has sold out the land to the other party. Therefore, A1, who is the brother of first petitioner has asked for the return of the advance amount from the defacto complainant. Since he did not return, there was a quarrel between them. Hence the complaint.

3 The learned Counsel for the petitioners submitted that the petitioners are innocent, they have nothing to do with the transaction and they have not committed any offence as alleged in the complaint. He further submitted that there is no previous case pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that the petitioners are the relatives of the first accused and that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6 Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within fifteen days after lifting of lockdown or the commencement of Court's normal function whichever is earlier, before the learned Judicial Magistrate, No.II, Thirupathur, Vellore District, on condition that the each petitioner shall execute a separate 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 first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Friday at 10.30 a.m., until further. The second 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 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.

7 With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/07/2020

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.II,
THIRUPATHUR, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPATHUR TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S. D.SELVARAJU Advocate on payment of necessary charges

CRL OP.11046/2020

Date :24/07/2020

TA-11/09/2020