

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12860 of 2020

1. Karthik @ Elangovan
2. Suguna
3. Manokaran
4. Appu @ Anusiya

... Petitioners

Vs.

The State Rep by its
The Inspector of Police,
Chithamur Police Station,
Kanchipuram District.
(Crime No.925 of 2020).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.925 of 2020 on the file of the respondent police.

For Petitioners : Mr.M. Dhayalan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 306 of I.P.C., in Crime No.925 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that due to property dispute defacto complainant's wife had committed suicide by self immolation by pouring kerosene. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the 1st petitioner is the brother of the deceased Jayanthi. He would submit that the deceased Jeyanthi had committed suicide due to family dispute between her and the defacto complainant and the 1st petitioner has nothing to do with the offence. In order to harass the

1st petitioner a false complaint has been given. After the complaint and during the pendency of the petition the 1st petitioner died. As far as the other petitioners are concerned, they are only friends of the first petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner is the brother of the deceased Jeyanthi and due to property dispute, the first petitioner along with other accused persons harassed and assaulted the victim, due to which, the victim has committed suicide by self immolation by pouring kerosene. He would further submit that the first petitioner Karthik during the pendency of the petition has passed away and the investigation is pending. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

6. 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, Mathuranthagam, on condition that each of the petitioners 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 petitioner shall report before the respondent Police every day at 10.30 a.m. until further orders.

[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 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 229A IPC.

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

-sd/-
16/09/2020

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,
MATHURANTHAGAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHITHAMUR POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.12860/2020

Date :16/09/2020

cs 29/09/2020

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