

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.10.2020

CORAM

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

Crl.O.P.Nos.15730, 15823 and 15933 of 2020

- 1.Sarasu @ Saraswathi ...Petitioner in Crl.O.P.No.15730 of 2020
- 2.Maniyarasan @ Maniyarasu ... petitioner in Crl.O.P.No.15823 of 2020
- 3.Anbarasi ... Petitioner in Crl.O.P.No.15933 of 2020

Vs.

State represented by
The Station House Officer,
Panruti Police Station,
Cuddalore Distirct.
(Cr.No.1802 of 2020)

... Respondent in all Crl.O.Ps.

Common Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.1802 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Senthilkumar
(In all Crl.O.Ps)

For Respondent : Mr.M.Mohamed Riyaz.
(In all Crl.O.Ps) Additional Public Prosecutor

COMMON ORDER

(These cases have been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420, 294 (b) and 506(ii) of IPC in Crime No.1802 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely, Narayanasamy is that the petitioners have collected money from the defacto complainant for arranging Government job. However neither the job was secured nor the money was returned and also threatened threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and due to the money dispute, a false case has been foisted against them. He further submitted that

the petitioners are the wife, son and daughter of the first accused and also submitted that the complaint was given on 11.08.2020, the FIR has been registered on the very same day the first accused was arrested and thereafter he was released on bail by the lower Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners have collected money from the defacto complainant for arranging Government job to his daughter. However neither the job was secured nor the money was returned and the accused also threatened threatened the defacto complainant with dire consequences and also submitted that the petitioners are the wife, son and daughter of the first accused. 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 subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which a copy of this order is made ready, 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 Judicial Magistrate, Panruti JM-I, Cuddalore District, 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Monday 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 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/-

16/10/2020

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.I, PANRUTI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT.

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

Crl.OP.Nos.15730, 15823 and 15933 of 2020

Date :16/10/2020

RVR 02/11/2020

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