

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16482 of 2020

1. Balasubramaniyan
2. Rajeswari
3. Susila

... Petitioners/accused 1 to 3

Vs.

State rep.by
The Inspector of Police,
Perur Police Station,
Coimbatore District.
(Crime No.1118 of 2020)

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail, in the event of their arrest by the respondent police, pending investigation of the case in Crime No.1118 of 2020 on the file of the respondent.

For Petitioners : Mr.M.Vijaya Ragavan

For Respondent : Mr.Charles Premkumar
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 alleged offences punishable under Section 306 of I.P.C. in Crime No.1118 of 2020 on the file of the respondent police, seek anticipatory bail.

2. A pathetic case is that one Govindaraj @ Karthik aged about 29 years old eloped with Manjula Devi aged about 20 years and married her at a Temple on 04.09.2020. Thereafter, on the intervention of the parents of Majula Devi, an enquiry was conducted by Perur Police Station. The girl has gone along with her parents stating that she is no more interested to live with Govindaraj @ Karthik whom she married. Therefore, the said Govindaraj @ Karthik committed suicide on 09.09.2020 at 04.30 a.m. Complaint was given by the mother of Govindaraj @ Karthik alleging that the petitioners herein came to the

house of the defacto complainant on the day before the incident and abused the deceased Gonvidaraj @ Karthik. Due to humiliation he had committed suicide.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Considering the above facts, this Court is of the view that since the petitioners who are the residents of Sennanur, Thenkarai, Coimbatore District, are having roots. Their custodial interrogation is not required. Therefore, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days, before the learned Judicial Magistrate No.1, Coimbatore, on condition that each of the petitioners 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper the evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On failure to comply the condition or 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/10/2020

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUR POLICE STATION,
COIMBATORE DISTRICT.

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

WEB COPY

CRL OP.16482/2020

Date :22/10/2020

cs 02/11/2020