

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17865 of 2020

P.K.Shanmugam

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Vaniyambadi Taluk Police Station,
Tirupattur District.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1145 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 384, 385 and 506(i) of IPC in Crime No.1145 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he and one Bhavani belonging to different community loved each other and performed their marriage on 16.10.2020. The allegation against the petitioner, who is the prominent person of the village is that the petitioner along with other accused had conducted a kangaroo Court and imposed a sum of Rs.30,000/- as penalty to the defacto complainant and compelled to pay further amount and also threatened him with dire consequences, if the amount has not been paid by the defacto complainant and threatened to excommunicate his family from the village. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the defacto complainant

married an other community women therefore, some of the community people had reprimanded him. Other than that they have not demanded any penalty. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the defacto complainant married another community women, therefore, the petitioner along with other accused conducted a kangaroo Court and imposed a sum of Rs.30,000/- as penalty to the defacto complainant and compelled to pay further amount and also threatened to excommunicate the family from the village. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate Court, Vaniyambadi, Tirupattur District, on condition that the petitioner 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 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 petitioner 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 order.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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.

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

-sd/-
11/12/2020

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 COURT,
VANIYAMBADI, TIRUPATTUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANIYAMBADI TALUK POLICE STATION,
TIRUPATTUR DISTRICT.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
SR.No.8207

CRL OP.17865/2020

Date :11/12/2020

cs 29/12/2020