



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/07/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP (MD) . No.7774 of 2020

Senthilkumar

... Petitioner/Accused-2

Vs

The State rep. by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District
(Crime No. 126 of 2018).

... Respondent/Complainant

For Petitioner : Mr.S.Ravi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.126 of 2018 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 379, 380, 406, 506(ii) and 120(B) r/w Section 34 of IPC, in Crime No.126 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the husband of A1. The occurrence said to have taken place in the year 2018. In this case, the defacto complainant was said to have purchased jewels and properties in the name of A1. Due to family dispute, there was a quarrel arose between A1 and the defacto complainant, in which, A1 was said to have accompanied with the petitioner and also threatened the defacto complainant with dire consequences. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that A1 has already arrested and released on bail. He further submitted that as per the FIR, the petitioner was said to have accompanied with A1 only and no other allegation against this petitioner. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that A1 in this case has already arrested and release on bail. That apart A1 was said to have murdered the present defacto complainant, for which, another crime has been registered against A1.

6. Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in the year 2018 and the petitioner was said to have accompanied with A1 and threatened the defacto complainant with dire consequences and A1 already arrested and released on bail, in view of the above circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 as and when required for interrogation.

(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 petitioner 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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7774 of 2020
Date :27/07/2020

VSG

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