

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.Nos.189 & 361 of 2021

Kumar

... Petitioner in both
Crl.O.P.s

Vs.

The State rep. by
The Inspector of Police,
F-5 Pathirivedu Police Station,
Thiruvallur Dt.
(Crime No.1023 of 2020)

... Respondent in
Crl.O.P.No.189/2021

The State rep. by
The Inspector of Police,
F-5 Pathiravedu Police Station,
Thiruvallur Dt.
(Crime No.1004 of 2020)

... Respondent in
Crl.O.P.No.361/2021

PRAYER in Crl.O.P. No.189 of 2021: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1023 of 2020 pending on the file of the respondent.

PRAYER in Crl.O.P. No.361 of 2021: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1004 of 2020 pending on the file of the respondent.

For Petitioner in both Crl.O.P.s : Mr.P.Chandrasekar

For Respondent in both Crl.O.P.s : Mr.S.Karthikeyan
Addl. Public Prosecutor

COMMON ORDER

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A1. He apprehend arrest at the hands of respondent police for the offence punishable under Sections 306 of I.P.C. in Crime No.1023 of 2020 and also apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 324, 506(ii) of I.P.C. and Section 4 of T.N. Prohibition of Harassment of Women Act and Section 3(2) of TNPPDL Act in

connection with Crime No.1004 of 2020. Now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the deceased is own sister of the petitioner. There is a family dispute between the parties regarding partition of ancestral property. Earlier, on 06.08.2020, there was a quarrel between the parties, in which the petitioner and others said to have attacked the deceased, thereby caused injuries to her. Based on the complaint given by the deceased, the criminal case was registered in Crime No.1004 of 2020. Subsequently, after three days, the deceased committed suicide by pouring kerosene and set fire on her. Hence, the second criminal case has been registered in Crime No.1023 of 2020 for an offence under Section 306 of I.P.C. on 09.08.2020. In the said circumstances, the petitioner has filed these petitions seeking for anticipatory bail.

3. The learned counsel appearing for petitioner would submit that the deceased is own sister of petitioner and there is a civil dispute between them. He would submit that, earlier, on 06.08.2020, there was a wordy quarrel, as a result of which, the petitioner was attacked by the deceased family, for which, both the petitioner as well as deceased have given a complaint, the complaint given by the petitioner was registered in Crime No.1005 of 2020 and the complaint given by the deceased was registered in Crime No.1004 of 2020. Thereafter, the deceased has committed suicide out of frustration. He would submit that the petitioner is no way involved in the offence and now the other arrested accused A4, A5 and A6 were released on bail. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor opposing this petition stated that the petitioner, being brother of deceased, he has denied title in respect of ancestral property. Hence, there was a continuous quarrel between the parties. He would submit that earlier, the petitioner has attacked the deceased. Hence, the F.I.R. was registered for an offence under Sections 147, 324, and 506(ii) of I.P.C. and Section 4 of T.N. Prohibition of Harassment of Women Act and Section 3(2) of TNPPDL Act in Crime No.1004 of 2020. Thereafter, out of frustration, the deceased committed suicide. He would also submit that now the other arrested accused were released on bail.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the occurrence has been taken place during the month of August 2020 due to a civil dispute between the parties and also a wordy quarrel, also considering the fact that there is no serious allegation of abetment on the part of the petitioner, now some of the accused were arrested and released on bail and some other accused were granted anticipatory bail, this Court is inclined to grant

anticipatory bail to the petitioner subject to the following conditions :-

(a) Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned District Munsif cum Judicial Magistrate, Gummidipoondi, on condition that 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:

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two weeks ;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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].

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

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

20/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

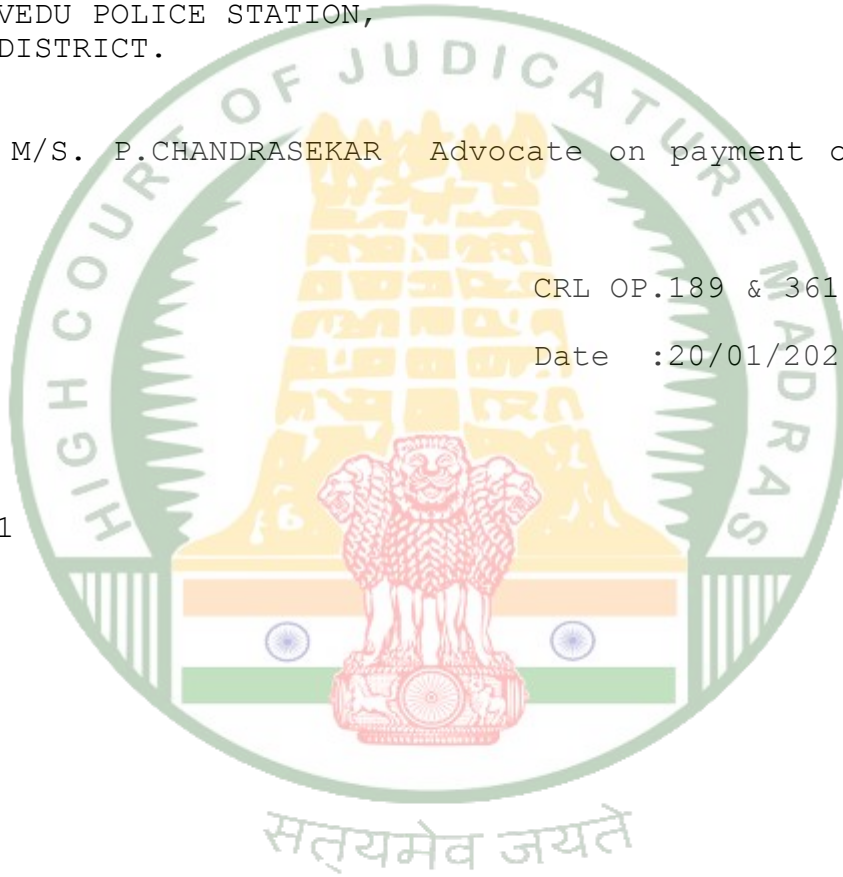
4 THE INSPECTOR OF POLICE,
F-5, PATHIRIVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

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

CRL OP.189 & 361/2021

Date :20/01/2021

MN-29/01/2021



WEB COPY