

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.411 of 2021

1. C.Palanisamy
2. Jayapal
3. S.Senthil
4. Pandian

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Tiruppur Central Police Station,
Tiruppur.
(Crime No.885 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.885 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.N.Ponraj

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners were arrayed as A2 to A5. They apprehend arrest at the hands of the respondent police for the offence punishable under Sections 143, 294(b), 447, and 306 of I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Harassment of women Act, 2002 in Crime No.885 of 2020 and now, they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that A1 in this case was running a finance company, in which, the deceased said to have pledged some jewels. Subsequently, A1 came to know that the jewels are fake one, and the same was questioned by A1 and other accused, and they have also abused and threatened her to return back the money, as a result of which, she has committed suicide by consuming some medicines. Hence, the present complaint has been filed against the

3. The learned counsel appearing for petitioner would submit that A1 in this case is running a finance company and other accused viz., petitioners are employed in the said finance company. He would submit that admittedly, the deceased said to have pledged the fake jewels in A1's finance company, which was questioned by him, due to which, she said to have committed suicide by consuming medicines. He would also submit that the A1 was arrested and already released on bail. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with A1 have abused the deceased and also criminally intimidated her to return back the money. Hence, she has committed suicide. He would submit that A1 was arrested and already released on bail. However, he opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration of the facts and circumstances of the case, a mere allegation against A1 is that A1 is running a finance company, in which, the petitioners are employed, now A1 was arrested and he was already released on bail and there is no allegation of abetment against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Tiruppur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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, and on further condition that:

[b] 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 appear before the respondent police daily at 10.30 a.m. for the period of four weeks ;

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

[e] the petitioners 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 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.

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

-sd/-
18/01/2021

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.2, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPETOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPPUR.

+1 CC to M/S N.PONRAJ Advocate on payment of necessary charges
SR.No.483

CRL OP.411/2021

Date :18/01/2021

cs 25/01/2021