

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1008 of 2021

Sivakumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Varappalayam Police Station
Erode District.
(Crime No.371 of 2020)

... Respondent

PRAYER: 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.371 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Guruprasad

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

ORDER

(The case has been heard through video conference)

The petitioner is arrayed as A3. He apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of I.P.C., in Crime No. 371 of 2020, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that 1st and 2nd accused are parents of defacto complainant and 3rd accused is maternal uncle. The defacto complainant was in love with one Karuppasamy and she planned to marry him. After knowing the facts, the petitioner had opposed to the marriage. Hence, the defacto complainant eloped with her lover and she married him in a temple. When they were proceeding to the temple, the petitioner said to have involved in a wordy altercation. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed seeking for anticipatory bail.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence. He would submit that he has been falsely

implicated as accused in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that after knowing the fact of love affairs of the defacto complainant with one Karuppasamy, the petitioner had opposed to the marriage, due to which, the defacto complainant eloped with her lover. He would submit that she had married him in a temple and when they were proceeding to the temple, there was a wordy altercation between them. He has further submitted that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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 facts and circumstances, there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Gobichettipalayam, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner shall appear before the respondent police as and when required for interrogation;

[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

[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/-
27/01/2021

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.II,
GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VARAPPALAYAM POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary
charges SR NO. 945

CRL OP.1008/2021

Date :27/01/2021

MN-04/02/2021