

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1579 of 2021

1.Jayanthi
2.Sarasa

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Ambur Taluk Police Station,
Ambur, Thirupathur District.
(Crime No.1183 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory bail in the event of arrest in Crime No.1183 of 2020 on the file of the Respondent Police pending investigation.

For Petitioners : Mr.P.Wellington

For Respondent : Mr.S.Karthikeyan,
APP

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 307 of IPC in Crime No.1183 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in order to eliminate one Ramesh Babu, who is the husband of the first petitioner and son-in-law of the de-facto complainant, the petitioner has engaged other accused and on 09.07.2020, they attempted to commit murder him by a road accident. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioner would submit that the petitioners are no way connected with the occurrence and the petitioners have been falsely implicated in this case based on the confession of the co-accused. He would further submit that main accused in this case were already released on bail. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have engaged the other accused to murder one Ramesh Babu, who is the husband of the first petitioner and attempted to murder him on 09.07.2020 by using car, but he luckily escaped. He would also submit that co-accused in this case were already released on bail.

4. Considering the said facts and circumstances of the case, and also the fact that co accused in this case have already been released on bail, 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 Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 as and when required for interrogation.

[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.

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

-sd/-

11/02/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AMBUR,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
AMBUR, THIRUPATHUR DISTRICT.

CC to M/S.F.WELLINGTON Advocate on payment of necessary charges

CRL OP.1579/2021

सत्यमेव जयते Date : 11/02/2021

RVR 02/03/2021

WEB COPY