

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1594 of 2021

Tripathi @ Sathish

.... Petitioner

Vs.

The state represented by
The Inspector of Police,
Mangadu Police Station
Chennai.
(Crime No.39 of 2021).

....Respondent

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.39 of 2021 on the file of the respondent police.

For Petitioner : Mr.D. Padmanabhan

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Section 306 of I.P.C, in Crime No.39 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is the wife of the deceased is that the petitioner along with other accused came to her house and abused her husband with filthy language and assaulted him. It is alleged that the husband of the defacto complainant has stolen cattle and he was taken to police station by the petitioner and other accused. Thereafter, when the deceased returned home he had committed suicide. Hence the complaint.

3.The learned counsel for the petitioner would submit that the husband of the defacto complainant has stolen 15 cows belonging to the petitioner/A1 and A2 in this case. Hence, he took the husband of the defacto complainant to the police station to lodge a complaint. He would further submit that he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the husband of the defacto complainant has stolen cattle and he was taken to police station by the petitioner and other accused. Thereafter, when the deceased returned home he had committed suicide. Therefore, he opposed to grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact that admittedly the petitioner has took the deceased to hand over him to the police station and only when the deceased returned home he has committed suicide, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Sriperumbadur condition that the petitioner shall execute a 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 petitioners 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].

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

-sd/-

03/02/2021

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 JUDICIAL MAGISTRATE,
NO.I, SRIPERUMBADUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
CHENNAI.

CC to M/S D.PADMANABHAN Advocate on payment of necessary charges

CRL OP.1594/2021

Date :03/02/2021

RVR 12/02/2021

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