

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1397 of 2020

1. Aruldas
2. Pauldas ... Petitioners/Accused Nos.1 and 2

Vs.

1. State Represented by
Inspector of Police,
Peralam Police Station
Thiruvavur District.
(Crime No.12/2020) ... Respondents/Complainant

2. Anthony Swamy @ Rapheal

3. Annammal ... Respondents/Defactocomplainant

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 pending investigation in Crime No.12 of 2020 on the file of the respondent police.

For Petitioners : Mr. T.Muruganantham

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

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 offences punishable under Section 24 of Senior Citizen Welfare and Maintenance Act, 2017 and 294(b), 352 and 506(i) of IPC in Crime No.12 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the sons of the respondents 2 and 3. The allegation is that due to family dispute, the respondents 2 and 3 filed a maintenance case M.C.No.8 of 2010 before the Judicial Magistrate, Nannilam and the Court directed the petitioners to pay maintenance to the respondents 2 and 3. In order to failure to pay the maintenance amount, the present complaint is filed.

3. The learned counsel for the petitioners on instructions would submit that the petitioners are regularly paying the maintenance to the mother and that the entire arrears amount has also been deposited as ordered by the Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that pending this petition, the second respondent/father died. Now the third respondent/mother was not taking care by the petitioners.

5. Taking into consideration the nature of offence and also taking note of the fact that the petitioners are paying the maintenance regularly and the entire arrears amount has also been deposited, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Nannilam, 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:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

-sd/-

25/01/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NANNILAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

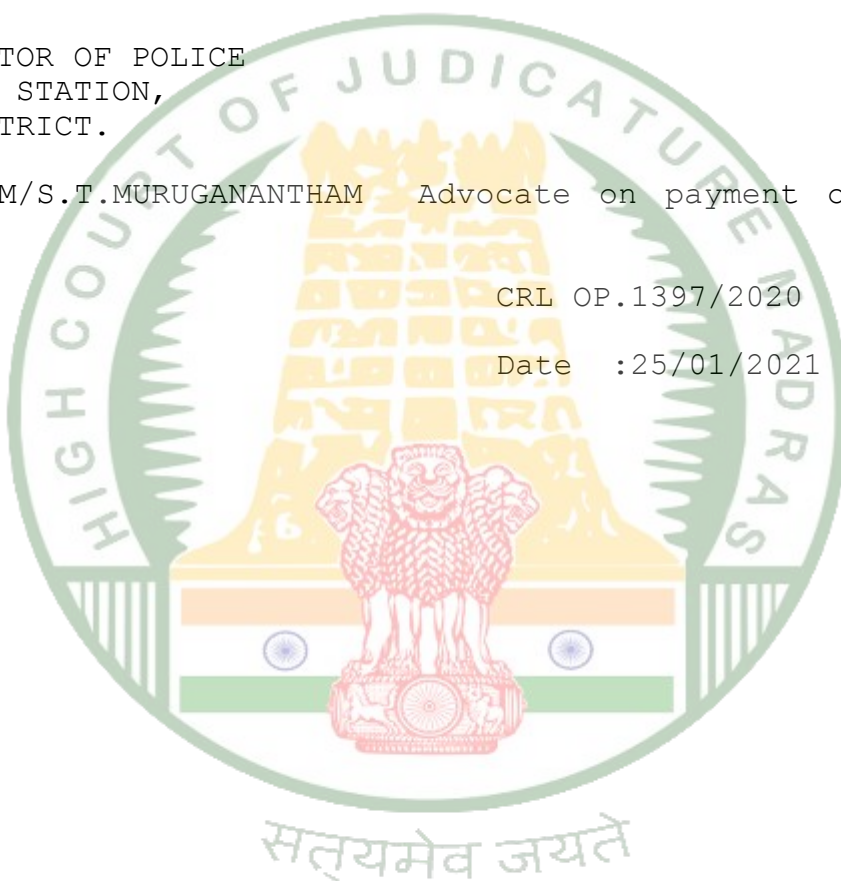
4 THE INSPECTOR OF POLICE
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges Sr.874

CRL OP.1397/2020

Date :25/01/2021

RVR 02/02/2021



WEB COPY