

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1885 of 2021

1. Mohan
2. Arul
3. Kuttiyammal @ Buvaneshwary
4. Sulochana

... Petitioners

Vs.

State Rep by
The Inspector of Police,
Thirukalukundram Police Station,
Chengalpet.
(Crime No.27 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest by the respondent police in Crime No.27 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Mohamed Yasin

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Section 306 of IPC, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein are A1 to A4. The allegation is that the deceased said to have illegal intimacy with A1. On 25.01.2021 when the deceased and her husband went to attend a temple festival A1 in this case has forcibly compelled the deceased to come along with him and pulled her. Subsequently A2 to A4 went to the house of the deceased and they have abused her with filthy language. Based on the complaint given by the husband of the deceased a case was registered.

3. The learned counsel appearing for the petitioner would submit due to previous enmity between the petitioners and the defacto complainant they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that all the the petitioners went to the house of the deceased and abused her with filthy language. Due to which the deceased has committed suicide. However, he vehemently opposed to grant of bail to the petitioner.

5. Heard both sides and perused the F.I.R.

6. Considering the facts and circumstances of the case and also of the fact that A1 is the main accused and he only misbehaved with the victim girl, this Court is not inclined to grant anticipatory bail to A1 and this petition is dismissed with regard to A1. So far as other petitioners are concerned they are only family members of A1, this Court is inclined to grant anticipatory bail to the the second, third and fourth petitioners with certain conditions.

6. Accordingly, the second, third and fourth petitioners are 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, Thirukalukkundram on condition that the second, third and fourth petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 the second, third and fourth 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 the second, third and fourth petitioners shall report before the respondent police as and when required for interrogation.

[c] the second, third and fourth petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the second, third and fourth 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 the second, third and fourth petitioners in accordance with law as if the conditions have been imposed and the the second, third and fourth 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 absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions this Criminal Original petition is ordered

-sd/-
10/02/2021

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,
THIRUKALUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKKALUKUNDRAM POLICE STATION,
CHENGALPATTU.

+1CC to M/S.M .MOHAMED YASIN Advocate on payment of
necessary charges SR NO.1374

CRL OP.1885/2021

Date :10/02/2021

MK:17/02/2021