

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24..02..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2193 of 2021

Sangili @ Sangilimuthu Devar

... Petitioner

-Versus-

State Rep. by
Inspector of Police,
Madathukulam P.S.,
Tirupur District.
[Crime No.43 of 2021]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No. 43 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.R.Arun Kumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.43 of 2021 on the file of the respondent police for the alleged offence u/s 417, 294(b), 506(ii) of IPC and Section 4 of The Tamil Nadu Women Harassment Act, 1998, seek anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. There are totally 4 accused in this case and the petitioner has been arrayed as A4. According to the prosecution, earlier A1 was engaged with the de facto complainant, but, later on, A1 refused to marry her and when it was questioned by the bride family, there arose wordy altercation in which the petitioner and others assaulted the de facto complainant party.

4. The learned counsel for the petitioner would submit that the petitioner's contention is against A1. The petitioner is the uncle of A1.

The petitioner is no way connected with the alleged offence and he has been falsely implicated. According to him, A1, who was arrested and remanded to judicial custody, had been released on bail.

5. The learned Additional Public Prosecutor would also submit that there is no serious allegation as against this petitioner and A1 had already been released on bail.

6. Considering the fact there is no serious allegation made against the petitioner and on considering the fact A1 had already been released on bail and all other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 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 District Munsif cum Judicial Magistrate, Madathukulam, Tiruppur District, on each of them executing 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, 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 petitioner shall report before the respondent police as and when required by the police 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 himself /Trial Court 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.

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

-sd/-
24/02/2021

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,
MADATHUKALAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADATHUKALAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.D.R. ARUN KUMAR Advocate on payment of necessary charges SR NO. 2274

CRL OP.2193/2021

Date : 24/02/2021

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MN-03/03/2021