

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2044 of 2021

1. Karthi @ Karthikeyan
2. Shanmugapriya

... Petitioners

Vs.

The state represented by
Inspector of Police,
Haridhuvaramangalam Police Station,
(Crime No.33 of 2021)
Thiruvarur District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioners in the event of arrest in Crime No.33 of 2021 on the file of the respondent police.

For Petitioners : Mr.Mayilanathan

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 Sections 294(b), 352 and 506(1) of I.P.C in Crime No. 33 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are 3 accused in this case and the petitioners herein are A2 and A3. A1 is the husband of the victim girl. A2 is the brother of A1 and A3 is the wife of A2. Due to family dispute there was a wordy quarrel between the petitioners and the victim girl and the petitioners abused her. Based on the complaint given by the father of the victim girl, the case has been registered.

3. The learned counsel for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioners along with A1 tortured the victim girl and abused her. Therefore, he opposed to grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that only due to wordy quarrel between the petitioners and the victim girl the occurrence has taken place, this Court is inclined to grant anticipatory bail to the petitioner 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 made ready, before the District Munsif cum Judicial Magistrate, Needamangalam on condition that the 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 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 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/-
09/02/2021

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, NEEDAMANAGALM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.2044/2021

Date :09/02/2021

cs 08/03/2021

WEB COPY