

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.4739 of 2021

MOHAN @ MOHANAPRIYAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
PONNUR POLICE STATION,
THIRUVANNAMALAI DISTRICT,
CRIME NO.15 OF 2021.

For Petitioner : M/S.T.MAGENDIRAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :--

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.15 of 2021 on the file of the respondent police for the alleged offence u/s 392 of IPC, seeks 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. The petitioner is stated to be a relative of the de facto complainant. On 19.01.2021, while the de facto complainant was fast asleep, the petitioner is said to have attempted to remove her golden ear rings with mattal weighting about 1 1/4 sovereigns and on sensing the same, when she suddenly woke up and questioned him the petitioner is said to have assaulted her and caused injuries. The petitioner ran away from the scene of occurrence after she had raised hue and cry. Hence, the case came to be registered on a complaint from the de facto complainant.

4. The learned counsel for the petitioner would submit that the petitioner is a relative of the de facto complainant and this case has been foisted due to a family dispute at the instigation of the son of the de facto complainant and the petitioner is innocent of the alleged offence. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

5. The learned Additional Public Prosecutor would strongly oppose the petition for anticipatory bail. He would however, fairly submit that nothing was robbed from the de facto complainant.

6. Considering the submissions made on either side and the other facts and circumstances of the case including the fact that no custodial interrogation will be required and no bad antecedent is reported against the petitioner, this court is inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate, Vandavasi, on executing 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, 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/-
10/03/2021

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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PONNUR POLICE STATION,
THIRUVANNAMALAI.

+1CC to M/S.T.MAGENDIRAN Advocate on payment of necessary
charges SR NO.3166

CRL OP.4739/2021

Date : 10/03/2021

MK:25/03/2021

WEB COPY