

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4958 of 2021

1 R.GOKULAN
2 RAMESH KUMAR
3 SIVAKUMARI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
K2, LATHERI POLICE STATION,
KATPADI TALUK, VELLORE DISTRICT
(CR.NO.1261/2020)

[RESPONDENT]

For Petitioner : M/S.V.BALU Advocate

For Respondent : MR.K.PRABAKAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 417 and 506(i) of IPC in Cr.No.1261 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that since the first petitioner (A1) is having an affair with the the defacto complainant, he promised to marry the defacto complainant. Later, he (A1) refused to marry her. Based on the complaint given by the defacto complainant, the respondent police has been registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and there is no serious allegation as against the second and third petitioners and prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the first petitioner and the defacto complainant had exchanged the garlands in temple and later the first petitioner has refused to register the marriage with the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that there is no serious allegation as against the petitioners 2 & 3, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3. Insofar as the first petitioner is concerned, this Court is not inclined to grant anticipatory bail to him.

6. Accordingly, the petitioners 2 & 3 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Vellore, Vellore District, on condition that the petitioners 2 & 3 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 and on further condition that:

(a) the petitioners 2 & 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the third petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 & 3 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 petitioners 2 & 3 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. In the result, this Criminal Original Petition is allowed insofar as the second and third petitioners are concerned. This petition is dismissed insofar as the first petitioner is concerned.

-sd/-

09/04/2021

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,
VELLORE, VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K2, LATHERI POLICE STATION,
KATPADI TALUK,
VELLORE DISTRICT

CC to M/S.V.BALU Advocate on payment of necessary charges
SR.NO. 4753

CRL OP.4958/2021

Date :09/04/2021

rvr 17/04/2021

WEB COPY