

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.Nos.6571 & 6589 of 2020

Murugan

... Petitioner in
both Crl.O.P.s

Vs.

The State rep. by
The Inspector of Police,
Nannilam Police Station,
Tiruvarur Dt.
(Crime No.102 of 2020)

... Respondent in
Crl.O.P.No.6571/2020

The State rep. by
The Inspector of Police,
Nannilam Police Station,
Tiruvarur Dt.
(Crime No.92 of 2020)

... Respondent in
Crl.O.P.No.6589/2020

PRAYER in Crl.O.P. No.6571 of 2020: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.102 of 2020 pending on the file of the respondent.

PRAYER in Crl.O.P. No.6589 of 2020: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.92 of 2020 pending on the file of the respondent.

For Petitioner in both Crl.O.P.s : Mr.T.Muruganantham

For Respondent in both Crl.O.P.s : Mr.S.Karthikeyan
Addl. Public Prosecutor

COMMON ORDER

(The case has been heard through video conference)

The petitioner is a sole accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 24 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and 294(b), and 506(i) of I.P.C. in Crime No.102 of 2020 and also under Sections 24 of Maintenance and Welfare of

Parents and Senior Citizen Act, 2007 and 506(i) of I.P.C. in Crime No.92 of 2020. Now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioner is son of defacto complainants and he has not taken care of them. The petitioner has also occupied the cycle shop and house owned by the defacto complainants. In the said circumstances, the criminal case has been registered against the petitioner and now, he is seeking anticipatory bail.

3. Today, when the matter was taken up for hearing, the Investigation Officer has appeared through Video Conferencing and submitted that after registering the F.I.R., the petitioner has left the house and he is living in his in-law's house. Now, the defacto complainant is only running the shop and he has no more threat from the petitioner to the defacto complainant.

4. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

5. Taking into consideration of the facts and circumstances of the case and also considering the submissions made by the Investigation Officer, 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, Nannilam, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[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 appear before the respondent police as and when required 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/Trial Court himself 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.

6. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

20/01/2021

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,
NANNILAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.

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

CRL OP.6571 & 6589/2020

Date :20/01/2021

MN-29/01/2021