

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6905 of 2020

1. Thairiyalakshmi
2. Sivaranjani
3. Murugan

.. Petitioners

Vs.

State represented by
Inspector of Police,
Panruti Police Station,
Cuddalore District.
(Crime No.134 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of their arrest in Crime No.134 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.P.Palaninathan

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

ORDER

(The case has been heard through video conference)

There are three accused. The petitioners are A1 to A3. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 420, 294(b) and 506(i) of IPC in Crime No.134 of 2020 on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that the petitioners borrowed a sum of Rs.2,00,000/- from the defacto complainant and also three sovereign gold chain and failed to return the same. When the defacto complainant questioned the same, the petitioners criminally intimidated her. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant are close friends. In the year 2019 a close relative of the defacto complainant murdered 1 1/2 year old child of the 2nd and 3rd

petitioners and a case was registered in Crime No.79 of 2019 and in order to put pressure on the petitioners the defacto complainant has given this complaint. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners borrowed money long before the date of murder. The murder took place in the month of February, 2019 and the present complaint is given after one year of the date of murder. The petitioners borrowed and failed to repay the money.

5. Taking into consideration the 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 petitioners 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 No.1, Panruti, on condition that the petitioners 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, 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 petitioners shall appear before the respondent police as and when required for interrogation.

(d) The petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioners 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, this Criminal Original Petition is ordered.

-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 JUDICIAL MAGISTRATE NO.I,
PANRUTI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S. P.PALANINATHAN Advocate on payment of necessary charges SR NO. 1356

CRL OP.6905/2020

Date :09/02/2021

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