



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

Friday, the Thirtieth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.7421 of 2021

MOHAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY,  
THE INSPECTOR OF POLICE,  
THIRUKKALUKUNDRAM POLICE STATION,  
KANCHEEPURAM DISTRICT.  
CR.NO.27 OF 2021.

[ RESPONDENT ]

For Petitioner : M/S.M.MOHAMED RIYAS Advocate

For Respondent : MR. L.BASKARAN, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 306 of IPC, on the file of the respondent police, seeks anticipatory bail.

2. Totally, there are 4 accused in this case and the petitioner is arrayed as A1. The allegation is that the deceased said to have illegal intimacy with A1. On 25.01.2021 when the deceased and her husband went to attend a temple festival A1 in this case has forcibly compelled the deceased to come along with him and pulled her. Subsequently A2 to A4 went to the house of the deceased and they have abused her with filthy language. Based on the complaint given by the husband of the deceased, a case was registered.

3. The learned counsel for the petitioner would submit that all the other accused released on bail and investigation in this case is almost completed and the custodial interrogation of the petitioner is also not required at this stage.

4. The learned Government Advocate, vehemently opposed the application stating that only because of the misbehaviour of the petitioner, the deceased committed suicide and he is the main accused in this case. If he is released on bail, he will tamper with the witnesses.



5. Considering the facts and circumstances of the case and also the fact that co-accused in this case were released on bail, and since investigation in this case is almost completed, custodial interrogation of the petitioner is not required, at this stage, and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before the Judicial Magistrate Thirukalukundram, on condition that the petitioner shall execute 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:

[a] the petitioner and the sureties shall affix his 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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.

With the above directions, this Criminal Original petition is ordered.

-sd/-  
30/07/2021

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,  
THIRUKALUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE,  
KANCHEEPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,  
THIRUKKALUKUNDRAM POLICE STATION,  
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.7421/2021

Date :30/07/2021

INBA 04/08/2021