

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7368 of 2021

1 PERIYASAMY [PETITIONERS / ACCUSED]
2 PAVAYI

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
SALEM DISTRICT.
CR NO.133/2021

For Petitioner : M/S G.K.ASSOCIATES Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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 punishable under Sections 147, 148, 294(b), 323, 341, 448, 302 and 506(ii) of IPC, in Crime No.133 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 2nd son of the deceased viz. Prakash eloped with the grand daughter of A1. Due to this there was communal clash and that the petitioners along with other accused petitioners went to the defacto complainant's house and attacked the father of the defacto complainant with deadly weapons and cut the throat of the deceased with knife. He was admitted to the hospital, where he died. The defacto complainant is the 1st son of the deceased. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are aged persons and they were no way connected to this crime. They have been falsely implicated in this case. Hence, he sought for grant of anticipatory bail to the petitioners .

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that one prakash and the grand daughter of the petitioners eloped and got married. Unable to tolerate the intercaste marriage the petitioners along with other accused persons attacked the father of the said prakash with deadly weapons, due to which he died. The specific overt act as against these petitioners is that they induced the other accused persons to attack the deceased.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioners are aged persons and they are the grandfather and grandmother of the eloped girl and the only allegation as against them is that they induced the other accused persons to attack the deceased, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Edapadi, on condition that the petitioner shall execute a separate 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 and on further condition that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-
28/04/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, EDAPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
SALEM DISTRICT

+1 CC to M/S G.K.ASSOCIATES Advocate on payment of necessary charges SR.NO.5488

CRL OP.7368/2021

सत्यमेव जयते Date :28/04/2021

TA-17/05/2021

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