

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.10523 of 2021

1. Shakila
2. Jayachandran
3. Sivachandran

... Petitioners

Vs.

The State Represented by :-
Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.
(Crime No.27 of of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.27 of 2021 pending on the file of the respondent
police.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioners who apprehend arrest at the hands of the
respondent police for the alleged offence under Section 120B, 147,
148, 341 and 302 of IPC in Cr.No.27 of 2021 on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners ad the
deceased belong to two different political parties and there was
previous enmity between them, due to which the petitioner along with
other accused conspired together to kill the defacto complainant's
husband. But the other accused persons assaulted the deceased using
Aruval and subsequently, the defacto complainant's husband died.
Hence, the defacto complainant lodged a complaint before the
respondent police against the petitioner and other accused.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent and they have not been committed any offence as alleged by the prosecution. Infact, the petitioners were not available in the scene of occurrence and a false case has been registered against them. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate submitted that the petitioner and the other accused persons conspired together to kill the deceased. Except this allegation, there is no specific overt act attributed against these petitioners. A1, A2 and A4 assaulted the deceased person with aruval and committed murder. These petitioners have not present in the scene of occurrence. Hence, he has no serious objection to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and there is no specific allegation against these petitioners, 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 Judicial Magistrate-I, Thirupathur, on condition that the petitioners shall execute separate 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 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. For a period of two weeks and thereafter, as and when required for interrogation;

(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/-
24/06/2021

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, THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
THIRUPATHUR DISTRICT.

+1 CC to M/S.R.SANKARASUBBU Advocate on payment of necessary charges SR.No.6808

CRL OP.10523/2021

Date :24/06/2021

cs 08/07/2021

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