

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.9007 of 2021

1. Ambethkar
 2. Senthamilselvi
- ... Petitioners/ Accused No.2, 3

Vs.

The State Rep. by
The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
(Crime No.1199 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.1199 of 2020 on the file of the Respondent.

For petitioners : Mr.T.Balachandran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 174 of Cr.P.C altered to 294(b), 306 of IPC . in Crime No.1199 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Totally there are three accused and the petitioners are arrayed as A2 and A3. The case of the prosecution is that A1, who is the son of the petitioners and the deceased were in love with each other and thereafter, he refused to marry her. The allegation against the petitioners is that while they were trying to arrange marriage for their son with another girl, the deceased committed suicide by consuming poison.

3. The learned counsel for the petitioners would submit that this is the second petition for anticipatory bail and already the petitioners were granted anticipatory bail in CrI.O.P.No.17753 of 2020 dated 08.12.2020 by this court, however, they could not comply the conditions by executing the bonds within the prescribed time. Hence, the petitioners came up with the present petition seeking anticipatory bail.

4. The learned Government Advocate appearing for the respondent submitted that already A1 was arrested and released on bail.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsels and also taking note of the fact that already A1 was arrested and released on bail, 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 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, Thittakudi, on condition that the petitioners shall execute a 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 learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

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

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
12/05/2021

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, THITTAKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RAMANATHAM POLICE STATION,
CUDDALROE DISTRICT.

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

सत्यमेव जयते

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CRL OP.9007/2021
Date :12/05/2021

cs 06/07/2021