

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.05.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No. 9324 of 2021

1.Poomathi
2.Anusiya

... Petitioners

Vs.

State by
The Inspector of Police,
AWPS Pulianthope,
Chennai.
(Crime No.14 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioners in the event of their arrest by the respondent police in Crime No.14 of 2020, pending on the file of the respondent police.

For Petitioners : Mr.M.Jaikumar

For Respondent : Mr. J.C.Durairaj
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 417, 406, 323, 294(b), 506(2) & 109 IPC in Crime No.14 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel for the petitioners submitted that a false complaint has been given against the petitioners and they have not connected with the crime as alleged by the prosecution. Hence, he would pray to grant anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent state would vehemently oppose for the grant of anticipatory bail to the petitioners.

4.This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the materials on record.

5.The Constitution Bench of the Supreme Court in the case of Gurbaksh Singh Vs. State of Punjab (AIR 1980 SC 1632), has explained the true scope of Section 438 Cr.P.C.,. Further, the Supreme Court has laid down the law regarding arrest of accused for the offences punishable below 7 years, in the case of Arnesh kumar Vs. State of Bihar (2014 8 SCC 273) and considering the fact that the custodial interrogation of the petitioners is not necessary and the fact that there is no apprehension that the petitioners may abscond, the petitioners were granted anticipatory bail in the event of arrest or on their appearance, before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, on condition that the petitioners shall execute their own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioners shall make himself available for interrogation by the police officer as and when required;

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall appear before the Court below, whenever required.

[d] the petitioners shall affix their photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his/her identity.

[e] the petitioners shall not tamper with the evidence or witness 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/05/2021

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 METROPOLITAN MAGISTRATE
ADDITIONAL MAHILA COURT, EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS PULIANTHOPE,
CHENNAI.

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

CRL OP.9324/2021

Date :19/05/2021

cs 06/07/2021

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