

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.10008 of 2021

1. Ravichandran
2. Lalitha

... Petitioners

Vs.

The Sub-Inspector of Police,
Namakkal Police Station,
Namakkal.
(Crime No.605 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.605 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.K.Selvarangan

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

O R D E R

(The case has been heard through video conference)

In captioned Criminal Original Petition, there are two petitioners and they are husband and wife. The petitioners have filed captioned Criminal Original Petition under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.', for the sake of brevity) apprehending arrest for alleged offences punishable under Sections 420, 465, 468 & 471 of the 'Indian Penal Code, 1860' ('IPC' for the sake of brevity), vide Crime No.605 of 2021, on the file of the Sub-Inspector of Police, Namakkal Police Station, Namakkal.

2. In this virtual Court, Mr.K.Selvarangan, learned counsel for petitioners and Mr.A.Gopinath, learned State Counsel on behalf of respondent State were heard.

3. One Monisha.R is the de-facto complainant and she is none other than the daughter of the petitioners.

4. A perusal of the First Information Report [FIR] reveals that the burden of the song qua complaint of the de-facto complainant is that she married a gentlemen against the wishes of her parents in 2018 and thereafter there has been no love lost between the daughter and her parents. In other words, there has been no cordial relationship between the de-facto complainant and her parents thereafter.

5. Mr.K.Selvarangan, learned counsel for petitioners submits that the de-facto complaint is a student and the allegation that the petitioners [her parents] have withdrawn certain sums of money from her savings bank account by forging her signature is clearly false as the de-facto complainant has no independent source of income and therefore even on an extreme demurrer, even if the allegation is true, it can at best be only the petitioners' money. However, learned counsel asserts that trumped up complaint has been lodged by their daughter owing to her marriage and lack of cordiality between the parents and the daughter.

6. The learned State Counsel, on instructions, submits that there are no adverse antecedents qua the petitioners.

7. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail subject to conditions set out infra in this order.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.I, Namakkal, on condition that each of the petitioners 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

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

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

(e) if there is 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 petitioners released on bail by the learned Magistrate/Trial Court himself as per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious, it is made clear that, if the accused/petitioners herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-

08/06/2021

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, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
NAMAKKAL POLICE STATION, NAMAKKAL.

+1 CC to M/S.K.SELVARANGAN Advocate on payment of necessary charges
SR.No.6416

CRL OP.10008/2021

Date :08/06/2021

cs 17/06/2021