

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10547 of 2021

1. N.Sathish Kumar
2. M.Rajendran

.. Petitioners

-Vs-

The State Rep. by
The Inspector of Police,
Ambur Taluk Police Station
Crime No.224 of 2021

.. Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of arrest in crime no.224 of 2021 on the file of the respondent police.

For Petitioner : Mr.Govind Chandrasekhar

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

O R D E R

The petitioners, who apprehend arrest at the hands of respondent police for an offence under Section 384, 385 and 506 (i) of IPC in Crime No.224 of 2021 on the file of the respondent police, seeks Anticipatory bail.

2.The case of the prosecution is that the defacto complainant has lodged a complainant with the respondent police on 18.05.2021 stating that her grand daughter got married on 01.04.2018 and it was an inter-caste marriage. The petitioners, who are the members of the local panchayat, convened a meeting and prohibited the defacto complainant's family to participate in any of the village functions and further demanded Rs.5,500/- as fine. However, the defacto complainant has paid the fine. But the petitioners were not allowed to participate in any of the village functions. On 29.04.2021, when the defacto complainant went to attend the funeral rites of one Salaman, the petitioners along with other accused insulted the defacto complainant.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and a false case has been lodged against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submitted that the grand daughter of the defacto complainant got intercaste marriage. Therefore, the petitioners have prohibited the defacto complainant's family from the village functions and demanded Rs.5500/- as fine and frequently, insulted the defacto complainant's family.

5. Considering the facts and circumstances of the case and the submissions made by either side, 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, Ambur on condition that the petitioners shall execute 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. 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/-
17/06/2021

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
AMBUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S GOVIND CHANDRASEKHAR Advocate on payment of
necessary charges SR NO.6587

CRL OP.10547/2021

Date :17/06/2021

MK:08/07/2021