

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10588 of 2021

1. Usha
2. Savithri

... Petitioners

Vs.

State Represent by
Inspector of Police,
Perambalur Police Station,
Perambalur District.
(Cr.No.487 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of arrest in the hands of the respondent in Crime No.487 of 2021 pending on the file of the respondent.

For Petitioners : Mr.A.Saranraj

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 punishable under Sections 147, 294(b) 323, 363, 364-A, 365 and 506 (1) of IPC in Crime No.487 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that a marriage proposal was arranged between the first petitioner herein/A-5 viz., Usha and the defacto complainant, viz., A.Murugesan. In the meanwhile, Jeevaanand, the sister's husband of first petitioner/A5 borrowed a loan for a sum of Rs.2,00,000/- from the defacto complainant. Since horoscope was not matching, the marriage arrangement was dropped. Hence, the defacto complainant demanded to return the sum of Rs.2,00,000/- from A5's sister husband, but, he refused to return the same. In this regard, on 14.05.2021, the defacto complainant was kidnapped by A1 to A4 and locked down in a room and also threatened with dire consequences. Hence, the case was registered against the petitioners on the complaint made by the defacto complainant.

3.The learned counsel appearing for the petitioners submit that the petitioners/Accused 5 and 6 have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the defacto complainant had uploaded the 1st petitioner's/A5 photo in social media. Hence, the defacto complainant was questioned by the co-accused. He further submits that co-accused was enlarged on bail in E.Bail No.397 of 2021 vide order dated 03.06.2021 passed by the Principal District and Sessions Judge, Perambalur. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to family and money disputes, the defacto complainant was kidnapped by A1 to A4 and locked down in a room and also threatened with dire consequences. He submitted that investigation is going on and, therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the co-accused having been enlarged on bail by the lower court, 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, Perambalur on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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/-

18/06/2021

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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

+1CC to M/S A.SARANRAJ Advocate on payment of necessary charges SR NO.6706

CRL OP.10588/2021

Date :18/06/2021

MK:02/07/2021