



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11653 of 2021

WEB COPY

1. Motilal ...Petitioners
2. Muniyandi

Vs.

State Rep by ... Respondent
The Inspector of Police,
Bagayam Police Station,
Vellore District.
Crime No.67 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.67 of 2021 on the file of the Inspector of Police, Bagayam Police Station, Vellore District.

For Petitioners : Mr.G.Vinoth Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl side)

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 Sections 174 Cr.P.C @ 306 of IPC, in Crime No.67 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.02.2021 around 06.00 a.m., the defacto complainant got a call from one Arjun who was the friend of the deceased alleging that the husband of the defacto complainant had come around 12.00 p.m., stayed with him at his house and the next day when Arjun mother went into the room of the husband he was found hanging with a polyster saree and he was dead. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the investigation is still pending and there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.



5. Considering the fact that the investigation is still pending and there is no previous case pending against the petitioners, 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 No.1, Vellore, on condition that 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 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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) 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.

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

(e) the petitioners shall not abscond 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]; and;

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

-sd/-
07/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE NO.I,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11653/2021

Date :07/07/2021

INBA 22/07/2021