



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12578 of 2021

1. N.Chinnasamy,
2. C.Raviammal,
3. C.Karthick
4. R.Chitra

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
X-1 Veppur Police Station,
Cuddalore District.
(Cr.No.91 of 2021)

... Respondent

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.91 of 2021 on the file of the respondent Police.

For Petitioners : Mr.P.D.Anbarasan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 306 of IPC in Crime No.91 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1/Gopi and the deceased viz., Thilagavathy were in love for the past two years. The deceased had gone voluntarily to her lover's house and at that time, A1 and his family members/petitioners had abused the deceased with filthy words. They told that they would not allow her to marry A1 and drove her out of their home and thereafter, the matter was amicably settled through Panchayat. In the meanwhile, the deceased sent a voice message to her brother stating that A1/Gopi was responsible for her death and then she committed suicide. Hence, the defacto complainant lodged a complaint against these petitioners.



3. The learned counsel appearing for the petitioners submits that the petitioners 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 is the neighbour of the accused persons. A1/Gopi and the deceased viz., Thilagavathy were in love for the past two years. Both the family knew this and the parents of A1 i.e., A2 and A3 had promised to conduct the marriage of their son/A1 with the deceased and petitioners are only the in-laws and there was no serious allegation made against these petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that there was a petty quarrel over love affairs between A1 with the deceased, for which, the deceased sent a voice message to her brother stating that A1/Gopi was responsible for her death and then she committed suicide. He further submits that the petitioners' earlier anticipatory bail application was dismissed by the lower court and hence, A1/Gopi was arrested and remanded to judicial custody. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that A1/Gopi was arrested and remanded to judicial custody and there was no serious allegations against these 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, Virudhachalam on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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/-

22/07/2021

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, VIRIDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
X-1, VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.D.ANBARASAN Advocate on payment of necessary charges SR.NO. 7746

CRL OP.12578/2021

Date :22/07/2021

RW 04/08/2021