



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13076 of 2021

Varalakshmi

... Petitioner

Vs.

State represented by
The Inspector of Police,
P-4-Basin Bridge Police Station,
Chennai.
(Cr.No.188 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 his arrest in connection with in Crime No.188 of 2021 on the file of the respondent police.

For Petitioner : Mr.M. Dharmangadiah

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 324, 304 of I.P.C in Crime No.188 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the victim are relatives. There exists dispute in partitioning the property, over which there was altercation between the parties. Due to which A1 and A2 pushed the deceased, due to which he became unconscious and he died on the way when he was taken to hospital. Hence, the law enforcing registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that there was some altercation between the petitioner and the victim. Apart from that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the Court below has granted bail to the co-accused. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to the act of the petitioner, the uncle of the defacto complainant died on the way when he was taken to hospital. Hence he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and the case and the fact that the Court below had granted bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court at Chennai, on condition that the petitioner shall execute a 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner 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/-
29/07/2021

WEB COPY

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 X METROPOLITAN MAGISTRATE,
CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P4- BASIN BRIDGE POLICE STATION, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.M.DHARMANGADIAH Advocate on payment of necessary charges SR.No.7904

CRL OP.13076/2021

Date :29/07/2021

APN 13/08/2021