



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15569 of 2021

1 ANOOP
2 SAMPATH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ERODE TALUK POLICE STATION,
ERODE, ERODE DISTRICT.
(CR.NO. 362 OF 2021)

[RESPONDENT]

For Petitioner : M/S.S.MADHUSUDANAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498(A) & 406, 420 & 506(i) of IPC in Crime No.362 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant got married during the year 2010 and they have blessed with a female child. The couples were living separately for the past 4 years. The petitioner has refused to return back the jewels and other valuables to the defacto complainant and threatened her with dire consequences. Based on the complaint, the respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and due to family dispute, 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 investigation is pending and the allegations levelled against the petitioners are serious one. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that there is a serious allegation against the first petitioner/A1, this Court is not inclined to grant anticipatory bail to him. Considering the age of the second petitioner and there is no serious allegation levelled against him, this Court is inclined to grant anticipatory bail to the second petitioner/A2.

6. Accordingly, the second petitioner/A2 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 Additional Mahila Court, Erode, on condition that the second 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 2nd 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 2nd petitioner shall report before the respondent police as and when required for interrogation;

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd 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 petitioner 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.



7. In the result, this Criminal Original Petition is allowed as against the second petitioner/A2 and the same is dismissed insofar as the first petitioner/A1 is concerned.

WEB COPY

-sd/-

31/08/2021

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 ADDITIONAL MAHILA COURT,
ERODE, ERODE DISTRICT.

2 THE INSPECTOR OF POLICE,
ERODE TALUK POLICE STATION,
ERODE, ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.MADHUSUDANAN Advocate on payment of necessary charges SR.NO.9454

CRL OP.15569/2021

Date :31/08/2021

CSK 13/09/2021