

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.19468 & 19501 of 2020

1.Dhamodharan

2.Elayaraja

...Petitioners in Crl.OP.19468/2020

1.Jagedeesan

2.Prabhudoss

...Petitioners in Crl.OP.19501/2020

Vs.

State represented by
Inspector of Police,
Madhuravoyal Police Station,
Chennai.

Crime No.1164 of 2020

... Respondent in both Crl.OPs.

Prayer: Criminal Original Petitions filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of arrest in Crime No.1164 of 2020 pending investigation on the file of the respondent police.

For Petitioners
in both Crl.OPs. : Mr.R.Thiyagarajan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 365, 342, 323, 324 and 506(ii) of IPC @ 306 of IPC, in Crime No.1164 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioners are brothers of A1 and the deceased is the husband of A1, due to family dispute, the victim committed suicide by pouring petrol. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case since they happen to be the brothers of A1. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to family dispute, the victim committed suicide by pouring petrol and later, succumbed to the injuries and that the petitioners, being the brothers of A1, were abetted the deceased to commit suicide and that based on the dying declaration of the deceased, the petitioners were implicated in this case.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and that the petitioners are only brothers of the first accused, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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-II, Poonamallee, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/01/2021

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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADHURAVOYAL POLICE STATION,
CHENNAI.

+1 CC to M/S R.THIYAGARAJAN Advocate on payment of necessary charges SR.No.52

+1 CC to M/S M.GURUPRASAD Advocate on payment of necessary charges SR.No.55

CRL OPs.19468 & 19501/2020

Date :04/01/2021

cs 19/01/2021