

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19003 of 2020

1. Arjunan
2. Kesavan
3. Komathi

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Ammamet Police Station,
Salem, Salem District.
(Crime No.105 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.105 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr.B.Vasudevan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners were arrayed as A1, A2 and A3. They apprehend arrest in the hands of the respondent police for the offence punishable under Sections 306 of I.P.C. in Crime No.105 of 2020 and now they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the deceased is the husband of A-3, A-1 is the father-in-law and A-2 is brother in law of deceased. The allegation is that the deceased and 3rd accused are husband and wife and it is a love marriage and they have also got two children. There was a family dispute between deceased and A-3, due to which, A-3 has left the matrimonial home and stayed in her parental house along with children. Despite the steps taken by deceased to take the wife and children to the matrimonial home, they are not inclined to return. Hence, he has committed suicide. In the said circumstances, the F.I.R. has been registered against the petitioners.

3. I have heard and considered the submissions made by learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

4. Taking into consideration of the fact that the occurrence has been taken place in the month of February 2020 due to some family dispute between husband and wife, 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 No.5, Salem, Salem District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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 appear 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 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];

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

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

-sd/-

06/01/2021

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.5, SALEM, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
AMMAPET POLICE STATION,
SALEM, SALEM DISTRICT.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.19003/2020

Date :06/01/2021

MN-25/01/2021

WEB COPY