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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17948 of 2021

PRATHAP @ SATHYAMOORTHI [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
BALUCHETTYCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT
(CRIME NO.927/2021)

For Petitioner : M/S A.BALAMURUGAN Advocate

For Respondent : M/S. 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 306 of IPC in Cr.No.927 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the de-facto complainant's husband and the petitioner. The petitioner along with other accused persons continuously insulted the de-facto complainant's husband/deceased, due to which her husband was in woes. Thereby, the de-facto complainant's husband consumed the pesticide and committed suicide. Hence the de-facto complainant lodged a complainant against the petitioner, based on which the Law Enforcing Agency registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and due to previous enmity, this false case has been registered against the petitioner and other accused persons. Hence prays for grant of anticipatory bail.

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4.The learned Government Advocate submitted that the petitioner along with other accused persons continuously abused and insulted the de-facto complainant's husband even in family gatherings and marriage functions, due to which the deceased was subjected to mental stress and committed suicide. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by the learned Counsel on both sides, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is 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-I, Kancheepuram, 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 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;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
BALUCHETTYCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S A.BALAMURUGAN Advocate on payment of necessary charges SR.No.10789

CRL OP.17948/2021

Date :28/09/2021

APN 08/10/2021

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