

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19839 of 2020

Manikumar

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Guduvancheri Police Station,
Kancheepuram Dt.
(Crime No. 3952 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.3952 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.Machavatharan

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

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. He has been implicated with the crime for the offence punishable under Sections 306 of I.P.C. and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the deceased is a sister of the petitioner. There is a civil dispute between them in respect of partition of property and on the date of occurrence, the deceased said to have called the deceased and scolded her in filthy language. Hence, she had consumed poison and died. In the said circumstances, the criminal case has registered against the petitioner.

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

4. On perusal of materials, it is seen that there is a civil dispute exists between the parties and on the date of occurrence, the petitioner said to have called the deceased and scolded her, except that, there is no allegation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 No.II, Chengalpattu 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, 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 petitioner shall appear before the respondent police daily until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 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.

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

-sd/-

07/01/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

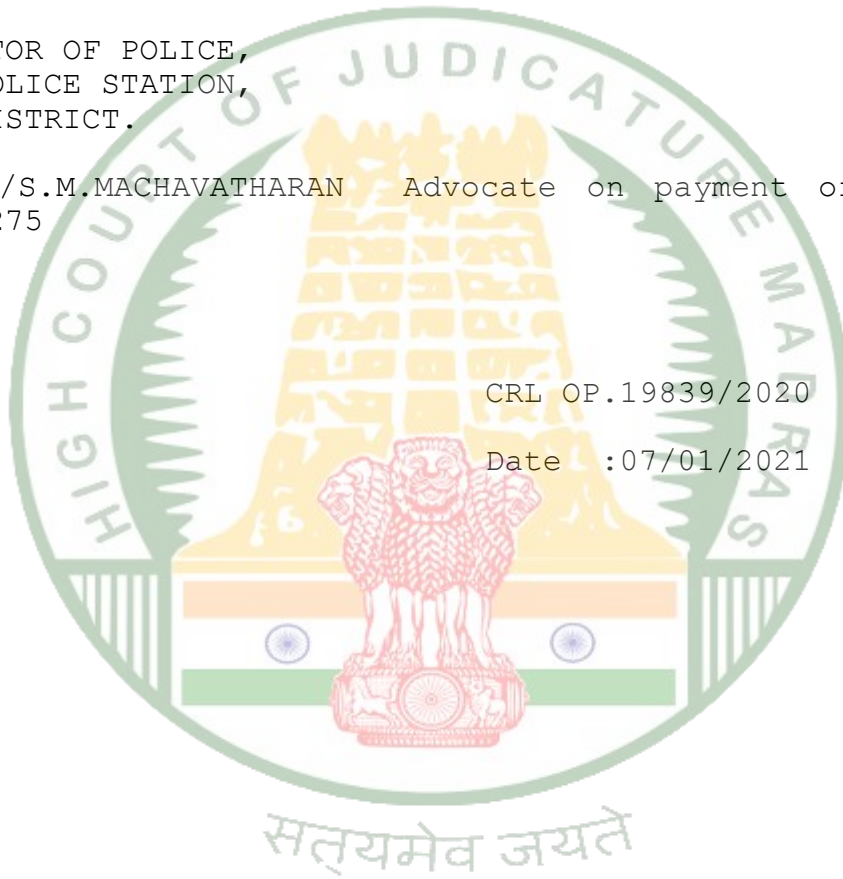
4 THE INSPECTOR OF POLICE,
GUDUVANCHERI POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.M.MACHAVATHARAN Advocate on payment of necessary
charges SR.No.275

CRL OP.19839/2020

Date :07/01/2021

cs 22/01/2021



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