



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21821 of 2021

1. Dhanesh
2. Rasitha

... Petitioners

Versus

State Rep by
Inspector of Police,
Pennadam Police Station.
(Crime No.305 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.305 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Velmurugan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

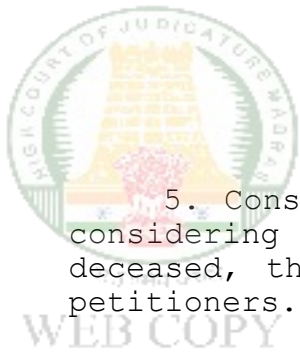
ORDER

The petitioner, who apprehends arrest for the alleged offences under section 358, 176, 201, IPC, in Crime No.305 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is the brother and the 2nd petitioner is the mother of the deceased. It is alleged that under the guise of online classes, the deceased continuously used her cellphone, for which the petitioners reprimand her. Thereby the deceased consumed poison and she lost her life. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioners.



5. Considering the facts and circumstances of the case and also considering that the petitioners are brother and mother of the deceased, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned JM, Perambalur 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners A3 and A4 and 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.

[b] the petitioners A3 and A4 is directed to report before the respondent police on every Wednesday and Saturday at 10.30.a.m., until further orders;

[c] the petitioners A3 and A4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners A3 and A4 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].

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

-sd/-

19/11/2021

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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PENNADAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.21821/2021

Date :19/11/2021

CSK 26/11/2021