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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.189 of 2022

1.Elumalai
2.Amudha
3.Dhakshinamoorthy
4.Mercy

...Petitioners

Versus

State. Rep by
The Inspector of Police
Pennalurpet Police Station
Thiruvallur District
(Crime No.64 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.64 of 2021, on the file of the Inspector of Police, Pennalurpet Police Station, Thiruvallur District.

For Petitioners : Mr.P.Chandrasekar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 174(iii) Cr.P.C @ 306 IPC in Crime No.64 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have harassed the defacto complainant, due to which she had committed suicide. Hence the complaint.

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



4. The learned Additional Public Prosecutor submitted that the petitioners harassed the defacto complainant, due to which she committed suicide. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the District Munsif cum Judicial Magistrate, Uthukottai, on condition that the petitioners shall execute a separate 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 petitioners 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 first petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand Only) as interim maintenance to the children. The amount may be deposited in the account of the minor children under the guardianship of the defacto complainant in the first week of every English Calendar month until further orders, failing which order of anticipatory bail will be cancelled.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]; and;



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

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07/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT . [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PENNALURPET POLICE STATION,
THIRUVALLUR DISTRICT .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S P.CHANDRASEKAR Advocate on payment of necessary charges SR.NO.475

CRL OP.189/2022

Date :07/01/2022

RW 20/01/2022