

Crl.O.P.No.8219 of 2016**K.KALYANASUNDARAM, J.**

The petitioner, who is arrayed as A-4, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 323 of IPC and Section 4 of Women Harassment Act and Section 3 of TNPPDL Act in Crime No.205 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant was suffered from illness and on 13.03.2016, at about 1.30a.m., she was proceeding to a hospital along with her husband and on the way, the Auto rickshaw was stopped to get a tea and at that time, all the accused, who were already drunken, had misbehaved with the de facto complainant and when it was questioned by her husband, they have attacked them.

3.Learned counsel appearing for the petitioner would submit that the case was registered based on the complaint given by one Ms.Preetha, and in the complaint, she has categorically stated that her husband was assaulted by the three known persons and subsequently, the petitioner's name has been inserted as fourth accused with an ulterior motive. It is further submitted that at the time of occurrence, the petitioner had only intervened to pacify the dispute between the accused 1 to 3 and the de facto complainant, but, he was pushed by the accused and thereafter, he sustained head injury and admitted in the Hospital. The learned counsel produced a copy of the complaint in support of his contention.

K.KALYANASUNDARAM, J.

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4.The learned Government Advocate [Criminal Side] appearing for the respondent would submit that the prime accused, namely, A-1 to A-3 were already arrested and released on bail and major part of the investigation is over.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Poonamallee and on his executing 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.00a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

13.04.2016

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CrI.O.P.No.8219 of 2016