

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14091 of 2018

& CRL.MP.NO.7615 OF 2018

A.DURAIRAJ

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION,
COIMBATORE DISTRICT
CR.NO.71 OF 2018.

[RESPONDENT]

RENNYPRIYA [INTERVENER / DEFACTO COMPLAINANT]
[Ordered as per order of this Court dated 09/07/2018 made in
CRL.MP.NO.7615 OF 2018 IN CRL.OP.NO.14091 OF 2018]

For Petitioner : M/S.T.SHANMUGAM Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S.B.NAMBISELVAN Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.71 of 2018 registered by the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) of I.P.C.

2. The case of the prosecution as per the de-facto complainant is that the petitioner and the defacto complainant are husband and wife and that due to family dispute, the petitioner abused the defacto complainant and threatened her, pulled her hair and slapped on her face.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that due to family dispute, a false complaint has been given against him.

4. The learned Additional Public Prosecutor would submit that due to family dispute, the petitioner abused the defacto complainant and threatened her, pulled her hair and slapped on her face.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, I am inclined to grant anticipatory bail to the petitioner.

6. 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-VI, Coimbatore, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of one week and thereafter, as and when required.

[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]**.

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

-sd/-
09/07/2018

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,
NO.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION,
COIMBATORE DISTRICT

+1CC to M/S.T.SHANMUGAM Advocate on payment of necessary
charges SR NO.12759

+1CC to M/S.B.NAMBISELVAN Advocate on payment of necessary
charges SR NO.12647

CRL OP.14091/2018
& CRL.MP.NO.7615 OF 2018

Date :09/07/2018

MK:19/07/2018