IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15659 of 2018

1 AMARAN @ AMARANATHAN [PETITIONERS / ACCUSED]
2 NARAYANAN

Vs

STATE REP. BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
MINJUR POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.286 OF 2018

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.286 of 2018 registered by the respondent police for the offence under Section 294 (b), 323, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution as per the defacto complainant Susila is that due to wordy quarrel, the petitioners abused the *defacto* complainant in filthy language and assaulted her with hands.

3. The learned counsel for the petitioners would submit that due to previous enmity, a false case has been registered against the petitioners. He would submit that on a complaint given by Amaran @ Amaranathan, the first petitioner herein, a case in Crime No.278 of 2018 has been registered against the defacto complainant and her relatives.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case in counter and that due to wordy quarrel, the petitioners had assaulted the defacto complainant with hands. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the injured has been discharged from the hospital, I am inclined

to grant anticipatory bail to the petitioners subject to the following 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Ponneri, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 said Magistrate, on further condition that:-

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police daily at 10.30.a.m until further orders;

[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].**

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

-sd/-
18/06/2018

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.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
MINJUR POLICE STATION,
THIRUVALLUR DISTRICT.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO.11017

CRL OP.15659/2018

Date :18/06/2018

MK:25/06/2018