

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17902 of 2018

TAMILSELVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.
CR.NO.321 OF 2018.

For Petitioner : M/S.K.M.SUBRAMANIAM Advocate

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

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.321 of 2018 registered by the respondent police for the offence punishable under Sections 294(b), 323, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

2. The case of the prosecution as per the de-facto complainant one Kavitha is that on 09.06.2018 at 10.30.a.m., there was a wordy quarrel between the defacto complainant and her mother-in-law and that the petitioner abused her with filthy language and assaulted her, due to which, she sustained bleeding injuries.

3. The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant. He would submit that since the petitioner has reprimanded about her illegal activities, a false complaint has been given against the petitioner and that a matrimonial dispute has been blown out of proportion. He would submit that there is no previous case against the petitioner.

4. The learned Additional Public Prosecutor would submit that due to wordy quarrel, the petitioner/the husband of the defacto complainant abused the defacto complainant with filthy language and assaulted her, due to which, she sustained bleeding injuries. He would further submit that the injured has been discharged from the hospital and that there is no previous case pending against the petitioner.

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 petitioner subject to the following conditions:

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, Thiruthuraipoondi, 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 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 petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

[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/-
16/07/2018

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,
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S.K.M.SUBRAMANIAM Advocate on payment of necessary
charges SR.NO. 13123

CRL OP.17902/2018

Date :16/07/2018

RD 23/07/2018