

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.12806 of 2019

SANTHI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DIST.
CR.NO.194/2019.

For Petitioner : M/S.R.BASKAR Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.4, who apprehends arrest at the hands of the respondent Police for the alleged offences under Sections 147, 294(b), 323, 354, 506(i) IPC and Section 3(1) of TNPPDL Act in Crime No.194 of 2019, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant are husband and wife and there was some matrimonial dispute. On the date of occurrence, the accused persons have forcibly entered into the house of the defacto complainant and attacked the defacto complainant and her parents and caused injuries to them and they were also abused in a filthy language and the household article were also damaged causing loss to the tune of Rs.10,000/-. There are totally 11 accused persons in this case and the petitioner herein is A4.

3.The learned counsel for the petitioner submitted that there was an existing matrimonial dispute between the parties and a false case has been foisted against the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that all the accused persons indulged in violence and had abused and intimidated all the family members of the defacto complainant. The learned counsel further submitted that the accused persons also caused damage to the household articles and caused loss to the tune of Rs.10,000. Therefore, she opposed to grant Anticipatory Bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact that the entire dispute pertains to the matrimonial affairs of the defacto complainant and A1, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate, Nannilam, Thiruvarur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent/Police thereafter as and when required for interrogation.

[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] the petitioner shall deposit a sum of Rs.1,000/- (Rupees one Thousand only) to the credit of Cr.No.194 of 2019 on the file of learned Judicial Magistrate, Nannilam, Thiruvarur District.

[f] 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 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]**.

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

-sd/-

15/05/2019

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,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DIST.

+1CC to M/S.R.BASKAR Advocate on payment of necessary charges
SR NO.9813

CRL OP.12806/2019

Date :15/05/2019

MK:20/05/2019

WEB COPY