

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17116 of 2019

1 KASTHURI NAICKER

[PETITIONER / ACCUSED]

2 G.AZHAGESAN

Vs

STATE REP BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,

SADRAS POLICE STATION,

KANCHEEPURAM DISTRICT.

CR.NO. 149 OF 2019.

For Petitioner : M/S. T.V.G.KARTHEEBAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(i) of I.P.C. and 4 of TN Prohibition of Harassment of Women Act-2002 in Crime No.149 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner along with his relative of the second petitioner used filthy languages against the defacto complainant, subsequently the first petitioner herein fisted on her back side body of the defacto complainant and thereby the defacto complainant fell down wherein the second petitioner herein life threatened against the defacto complainant herein already lodged a criminal complaint against the petitioners. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are no previous case similar in nature or any other offences against them. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the victim has been discharged. However, she vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the above fact and circumstances of the case, this court is inclined to grant anticipatory bail to the

petitioners with certain 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 on which the order copy made ready, before the learned Judicial Magistrate Court at Thirukazhukundram on condition that each 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand and on further condition that:

[a] the petitioners 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 first petitioner alone shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and other petitioner shall report before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/07/2019

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,
THIRUKAZHUKUNDRAM.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHEEPURAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SADRAS POLICE STATION, KANCHEEPURAM DISTRICT.

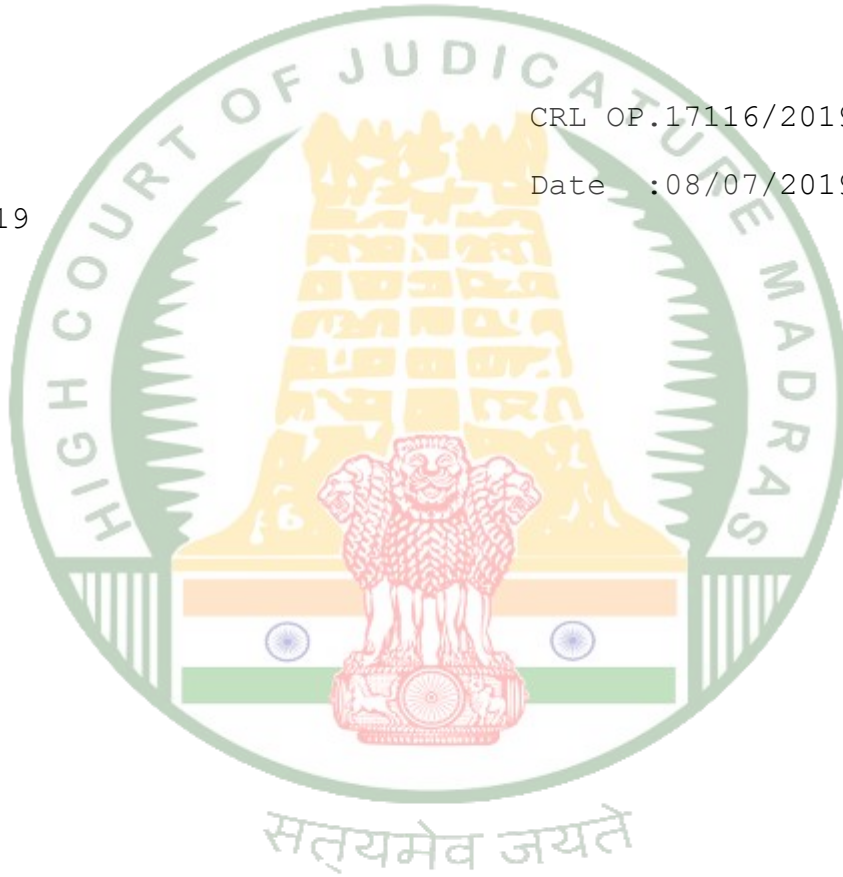
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. T.V.G.KARTHEEBAN Advocate on payment of
necessary charges SR.NO.13756

CRL OP.17116/2019

Date :08/07/2019

CSL/16.07.2019



WEB COPY