

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of August Two Thousand Nineteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.21156 of 2019

IN CRL.MP.NO.11610 OF 2019

1 P.BAKIARAJ
2 BANUMATHY

[PETITIONERS / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
KUNNAM, PERAMBALUR DISTRICT.
CR.NO.202 OF 2019.

[RESPONDENT]

ANANDHAM

[PETITIONER/DEFACTO COMPLAINANT]

**ORDERED AS PER THE ORDER OF THIS COURT DATED 21/08/2019 MADE IN
CRL.MP.NO.11610/2019 IN CRL.OP.NO.21156/2019.**

For Petitioner : M/S.SAIKRISHNAN T. Advocate

For Respondent : MR. K.PRABAKAR, Additional Public Prosecutor.

For Intervener : M/S.PANNEER SELVAM, C Advocate

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 alleged offences punishable under Sections 294[b], 324 and 506[iii] of IPC read with section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.202/2019, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioners are the son and daughter-in-law of the de-facto complainant and due to some

wordy quarrel between the petitioners and the de-facto complainant with regard to land dispute, the petitioners abused the de-facto complainant in filthy language and attacked her with hands and iron rod, resulting in the defacto complainant sustaining a fracture.

4. The learned counsel for the petitioners would submit that the petitioners are respectively the son and the daughter in law of the defacto complainant. He would submit that there was a domestic quarrel with regard to the property in the family and that the defacto complainant attempted to assault the second petitioner and she fell down and thereby sustained injuries and thereafter, a false case has been given as if the defacto complainant sustained fracture due to the assault by the 1st petitioner. He would also submit that the incident is stated to have taken place on 03.07.2019 whereas the complaint had been given after deliberation on 01.08.2019 after a delay of about 27 days.

5. The learned counsel for the intervenor would submit that during the domestic quarrel, the petitioners assaulted the defacto complainant with an iron rod due to which the defacto complainant sustained a fracture in the right hand. He would further submit that though a complaint had been made immediately the respondents failed to register the case stating that it is a domestic quarrel and only after the intervention by the higher officials, the respondent police has registered a case. Further he would submit that the defacto complainant was hospitalized and she had incurred medical expenses to the tune of Rs.48,000/-

6. The learned Additional Public Prosecutor would submit that during the domestic quarrel, the petitioners have assaulted the complainant and also threatened her husband/father of the 1st petitioner and due to the assault the defacto complainant had sustained a fracture in the right hand and that the injured has been discharged from the hospital.

7. Taking into consideration the facts of the case and the submission that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners.

8. 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 No.1, Perambalur, on condition that each of the petitioners 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] The first petitioner shall take a Demand Draft for a sum of Rs.50,000/- [Rupees Fifty thousand only] in the name of the defacto complainant Tmt. Anandham and shall produce the same before the Trial Court at the time of furnishing sureties and on application filed by the defacto complainant, the learned Magistrate shall hand

over the Demand Draft to the complainant.

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

[c] the 1st petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

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

-sd/-
21/08/2019

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,
NO.1, PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
KUNNAM, PERAMBALUR DISTRICT.

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

+1 CC to M/S.SAIKRISHNAN T. Advocate on payment of necessary charges SR.NO.17573

+1 CC to M/S.PANNEER SELVAM, C Advocate on payment of necessary charges SR.NO.17622

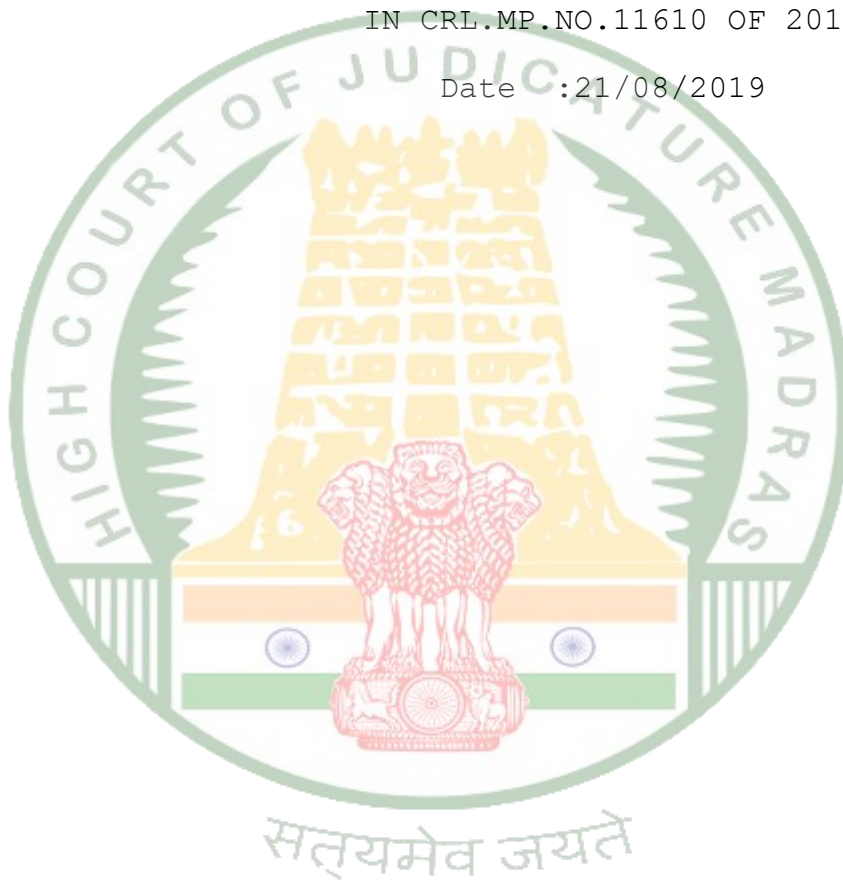
CRL OP.21156/2019

IN CRL.MP.NO.11610 OF 2019

Date :21/08/2019

TA 26/08/2019.

RD 29/08/2019



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