

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6309 of 2020

1 BASKARAN
2 IYYAPPAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
VELLORE DISTRICT.
CR.NO.85 OF 2020

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 :-

Apprehending arrest at the hands of the respondent police for alleged offences punishable under sections 294(b), 323 of IPC., r/w Section 4 of Women Harassment Act in Cr.No.85 of 2020, the petitioners have come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that, in a wordy quarrel between the defacto complainant party and the accused party regarding property dispute, the accused party attached the defacto complainant's wife with hands. Hence, the present complaint has been filed against the petitioners/accused.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4.The learned Additional Public Prosecutor appearing for the State would submit that the defacto complainant's wife was treated as outpatient and there was no serious injury.

5.Having regard to the fact that the dispute pending between the parties is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners 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, Arakkonam, 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 learned Magistrate concerned, failing which, the 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 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] 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/03/2020

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

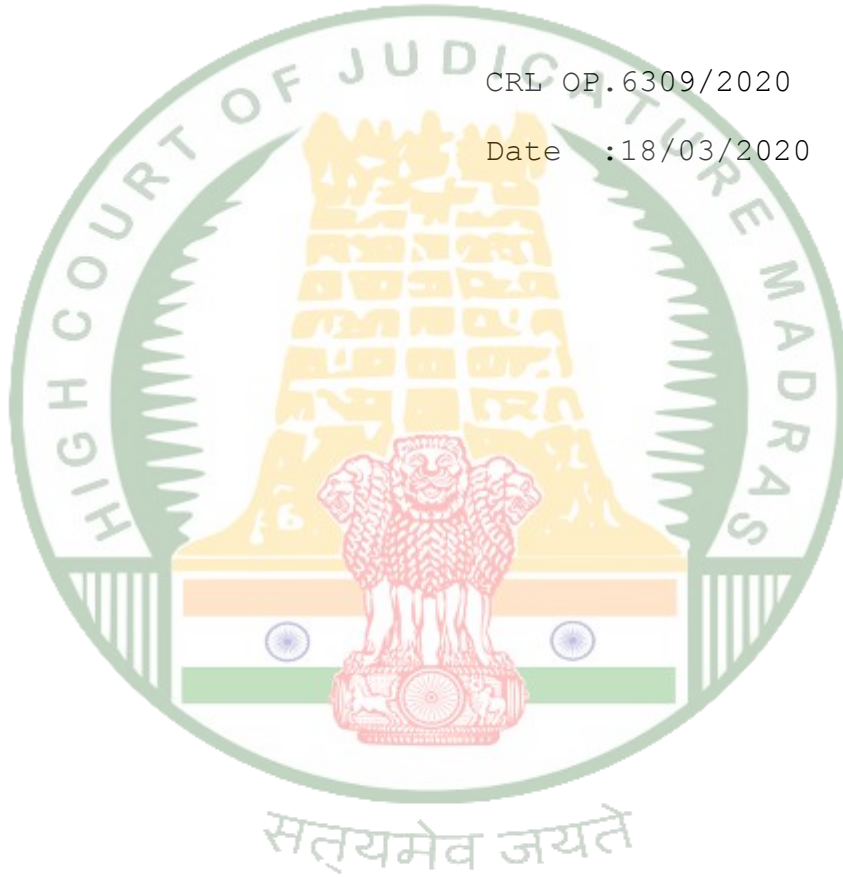
4 THE SUB INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.No.5422

CRL OP.6309/2020

Date :18/03/2020

cs 03/06/2020



WEB COPY