

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6573 of 2020

S.SASIKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMILNADU REP.BY
THE INSPECTOR OF POLICE,
KANNANKURUCHI POLICE STATION,
SALEM DISTRICT.
CR.NO.160 OF 2020.

[RESPONDENT]

For Petitioner : M/S.K.SELVARAJ Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 323 IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No. 160 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 27.2.2020, when Mariamman festival was going on in the village, the petitioner is alleged to have misbehaved with the daughter of the defacto complainant and when this was questioned by the defacto complainant, the petitioner went to defacto complainant's house and abused her in filthy language and also assaulted her with his legs and threatened her with dire consequences. Hence the complaint.

3. Learned counsel for the petitioners would submit that when the petitioner was participating in temple festival, one Thangaponnu and her daughter was also attending the festival. The said Thangaponnu suddenly scolded the petitioner with filthy language believing that the petitioner had touched her daughter. Thereafter when the petitioner went to house of Thangaponnu and questioned her action, she along with her brother attacked the petitioner with sickle, due to which, he sustained injuries in her hand,

subsequently, a case in Crime No.159 of 2020 was registered for the offence under section 294(b), 342 and 324 of IPC. Pursuant to the said incident, this case in Crime No.160 of 2020 was registered. Therefore, this is a case in counter with false allegations. Thus he prayed for granting anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner has misbehaved with the defacto complainant's daughter and when the same was questioned, he went to her house and assaulted her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also taking note of the fact that since there is complaint and counter complaint given by both parties, 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 No. IV, Salem, 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 this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 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/-
20/03/2020

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,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANNANKURUCHI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.K.SELVARAJ Advocate on payment of necessary
charges SR.NO.5491

CRL OP.6573/2020

Date :20/03/2020

TA-22/05/2020

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