

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2020

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No.7942 of 2020  
in Crime No.234 of 2020

Sathish Kumar,  
S/o.Panneer Selvam,  
D.No.2/148, Chinna Panamuthu Village,  
Krishnagiri Taluk and District. ...Petitioner/Accused -1

Vs.

State represented by  
The Inspector of Police,  
Kandhikuppam Police Station,  
Krishnagiri District. ...Respondent

Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.234 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan  
For Respondent : Mr.Karthikeyan  
Additional Public  
Prosecutor

## ORDER

The petitioner was arrested and remanded to judicial custody on 30.04.2020 for the offences punishable under Sections 294(b), 323, 354, 509 and 506 (i) IPC r/w Section 4 of the Tamil Nadu Prohibition of Woman Harassment Act, 2002, in Crime No.234 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.04.2020, the petitioner went to the house of *de facto* complainant and demanded money from her, when the same was refused by her, at that time, the petitioner abused the *de facto* complainant in filthy language, pulled her saree, attacked on her cheeks, kicked her with legs and threatened her with dire consequences. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated as an accused in this case and he is the only breadwinner of his family. Further he would submit that the petitioner is in judicial custody from 30.04.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor would submit that there was a wordy quarrel between the petitioner and the de facto complainant, during which, the petitioner abused the *de facto* complainant in filthy language, pulled her saree, attacked on her and threatened her with dire consequences. The victim has been taken to hospital for treatment and thereafter discharged. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 30.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a)the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/C No.149710011005477), and on such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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]*; and

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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nsd

Index: Yes/No

Speaking order/Non-speaking order

To

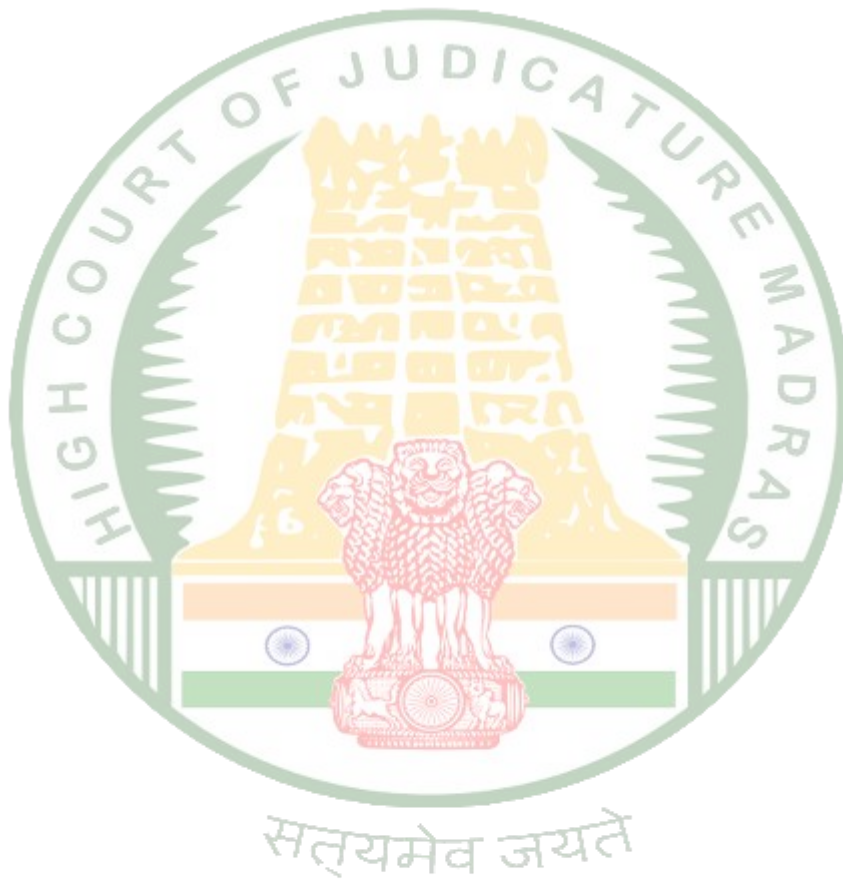
1. The Principal Sessions Judge,  
Krishnagiri.

2. The Judicial Magistrate No.I,  
Krishnagiri.

3. The Superintendent of Prison,  
Central Prison, Salem.

4. The Inspector of Police,  
Kandhikuppam Police Station,  
Krishnagiri District.

5. The Public Prosecutor,  
Madras High Court,  
Chennai.



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CRL.O.P.No. 7959 of 2020

**M.NIRMAL KUMAR.J.**

nsd



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