

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8545 of 2020

and

Crl.M.P.No.4194 of 2020

Devaraj (55),
S/o.Palaniyappa Gounder,
No.65, North Street,
Kandasamypalayam,
Kollankovil,
Erode District.

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
Sivagiri Police Station,
Erode District.
Crime No.181 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.181 of 2020 pending investigation on the file of the
respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

For Intervenor : Mr.R.Nalliyappan

O R D E R

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323 and 506(ii) of IPC r/w. Section 4 of TNPHW Act, 2002 in Crime
No.181 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein and
the de-facto complainant are close relatives and the de-facto
complainant is none other than the petitioner's own brother's wife.
Further allegation is that already there is a dispute between two
families and that there was a quarrel between the petitioners and
the defacto complainant and it is alleged that the petitioner
assaulted the defacto complainant and her mother with hands and also
abused her in unparliamentary words. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent person and he has not committed any offence
as alleged by the prosecution. Therefore, he prays to grant

anticipatory bail to the petitioner.

4. The learned counsel for the intervenor/de-facto complainant would submit that on 29.05.2020 at about 05.00 p.m., the petitioner due to previous enmity, on a drunken mood unlawfully entered in front of the house of the petitioner herein, abused the mother of the petitioner herein with filthy language and assaulted her with hands. He would further submit that the de-facto complainant and her mother was taken private Hospital, Erode and taken treatment for nasal bone fracture and other grievous injuries sustained by the de-facto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner attacked the defacto complainant and her mother and the injured discharged from the hospital. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to file undertaking affidavit before the respondent that he will not indulge in any criminal activities as against the de-facto complainant and her family members, and on such filing of affidavit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Kodumudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties and one of the surety shall be a blood relative of the petitioner 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 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 file undertaking affidavit before the respondent that he will not indulge in any criminal activities as against the de-facto complainant and her family members and if the petitioner violated his undertaking affidavit before the respondent, the respondent is at liberty to take action against the petitioner on merits in accordance with law.

[c] the 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 for interrogation.

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

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 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].

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

-sd/-

30/06/2020

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 INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
ERODE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE JUDICIAL MAGISTRATE, सत्यमेव जयते
KODUMUDI

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.8545/2020

and

CrI.M.P.No.4194 of 2020

Date :30/06/2020

RD 03/08/2020