

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13947 of 2020

1.B.Anantha Kumar

2.Balakrishnan

... Petitioners

Vs.

State represented by
The Inspector of Police
All Women Police Station
Udumalpet
(Crime No.7 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of his arrest in Crime No.7 of 2020 on the file of the respondent police.

For Petitioners : Mr.D.R.Arun Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections **294 (b), 323, 506(i) IPC and 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.7 of 2020** on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners have assaulted and pushed her down. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they has been falsely implicated in this case due to family dispute.

4.The learned Additional Public Prosecutor would submit that due to family dispute, the petitioners have assaulted and pushed the defacto complainant down. He would further submit that the injured has been discharged from the hospital and there are no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also considering the fact that the victim has been discharged from the hospital and there are no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of their arrest or on their appearance, **within a period of fifteen days from the date of commencement of the Court's normal functioning, before the learned Judicial Magistrate No.1, Udumalpet**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/09/2020

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.I,
UDUMALPET.

2 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS,
CHENNAI 600 104.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UDUMALPET,
TIRUPPUR DISTRICT.

+1CC to M/S. D.R.ARUN KUMAR Advocate on payment of
necessary charges SR NO.6206

CRL OP.13947/2020

Date :10/09/2020

MK:15/09/2020

WEB COPY