

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16521 of 2020

Swaminathan

.. Petitioner

Vs.

The State rep. by  
The Inspector of Police  
Muthupettai Police Station  
Tirvarur District  
Cr.No.2439 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.2439 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 and 506(ii) of IPC and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.2439 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Vaishnavi is that the petitioner, who is the husband of the de-facto complainant had quarrelled with the de-facto complainant and also torn her blouse.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. There was a quarrel between the petitioner and the de-facto complainant and the petitioner was assaulted by his wife, due to which he suffered fracture in his leg. Thereafter, the petitioner lodged a complaint against the de-facto complainant in Crime No.2438 of 2020. As a counter-blast, a false complaint has been given by the wife of the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a wordy quarrel between the husband and wife, as a result of which the de-facto complainant is said to have attacked the petitioner and due to which, the petitioner sustained fracture in his leg. He would further submit that in this case, the injured has been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also of the fact that it is a case of matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruthuraipoondi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner shall report before the respondent police as and when required for interrogation.

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

[e] the petitioner 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 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.

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

-sd/-

16/10/2020

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,  
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
MUTHUPETTAI POLICE STATION,  
TIRUVARUR DISTRICT.

CC to Mr.N.Palanivel Advocate on payment of necessary charges

CRL OP.16521/2020

Date :16/10/2020

RVR 23/10/2020

WEB COPY