

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.20991 of 2020

A.Durairaj

... Petitioner

Vs.

State rep.by its,

The Inspector of Police,

R-6, Kumaran Nagar Police Station,

Chennai.

(Crime No.138 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail, in the event of his arrest in Crime No.138 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate

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 offences punishable under Sections 294 (B), 341, 323, 506(1) of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.138 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that the petitioner and the de facto complainant were living in different portion of the same house. On 19.03.2020 at about 05.45 P.M., there was a dispute with regard to getting Electricity connection. Further, the petitioner abused the de facto complainant in filthy language and attacked the de facto complainant and her family members in the middle of the road and also threatened her with dire consequences and, thereby the de facto complainant sustained injuries and was put into mental

https://www.honourablejustices.org.in/services/complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that the petitioner and the de facto complainant are living in different portion of the same house. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai-600 015, 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:

[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 every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[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 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

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

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

-sd/-
30/12/2020

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 METROPOLITAN MAGISTRATE NO. XXIII,
SAIDAPET, CHENNAI 600 015.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
R6 KUMARAN NAGAR POLICE STATION,
CHENNAI.

+1CC to M/S.T. BALAJI Advocate on payment of necessary
charges SR NO.25

CRL OP.20991/2020

Date : 30/12/2020

MK:06/01/2021

WEB COPY