

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.726 of 2021

S.Murugan

... petitioner

Vs.

The Inspector of Police,  
E2 Peelamedu Police Station,  
Coimbatore District.  
(Crime No.2388 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge to the petitioner on bail in the event of his arrest in respect of Crime No.2388 of 2020 on the file of the Inspector of Police, Peelamedu Police Station, Coimbatore District.

For Petitioner : Ms.B.Bhuvaneshwari

For Respondent : Mr.S.Karthikeyan  
Addl. 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 offences punishable under Section 4 of Tamilnadu Prohibition of Women Harassment Act, 2002 in Crime No.2388 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's wife and the petitioner's wife are members in Magalir Kuzhu in their area. The petitioner's wife picked up wordy quarrel with the wife of the defacto complainant. In the melee, the petitioner abused the wife of the defacto complainant and assaulted her in a filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner had assaulted the wife of the defacto complainant and abused her in a filthy language. He further submit that there is no previous case against the petitioner.

5. Taking into consideration, the nature of offence, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy is made ready, before the learned Judicial Magistrate II, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 report before the respondent police as and when required for interrogation.

[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 5560].

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

-sd/-  
21/01/2021

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.II,  
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
E2 PEELAMEDU POLICE STATION,  
COIMBATORE.

+1CC to M/S.B.BHUVANESHVARI Advocate on payment of  
necessary charges SR NO.706

CRL OP.726/2021

Date :21/01/2021

MK:25/01/2021

WEB COPY