

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE **V.BHARATHIDASAN**

Crl.O.P.No.2161 of 2021

S.Tamilarasan

... Petitioner

Vs.

The State rep. by its
Inspector of Police,
Steel Plant Police Station,
Salem District.
(Crime No.568 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 arrest in Crime No.568 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(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 447, 294(b), 323, 506(ii) of IPC and Section 4 of Prohibition of Harassment of Women Act, 2002 in Crime No.568 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused abused the *de facto* complainant with filthy language, assaulted her and also threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and earlier, the learned Principal Sessions Judge, Salem, had granted interim anticipatory bail to the petitioner in CMP No.1895 of 2020 on 18.06.2020 with certain conditions. Since the petitioner was unable to comply with the conditions, the interim anticipatory bail was lapsed. Hence, the

petitioner has come forward with the present petition seeking for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that this is the second application for anticipatory bail and earlier, the learned Principal Sessions Judge, Salem had granted anticipatory bail to the petitioner and due to non-execution of sureties, time got lapsed.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, 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 Principal District and Sessions Judge, Salem**, 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 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.

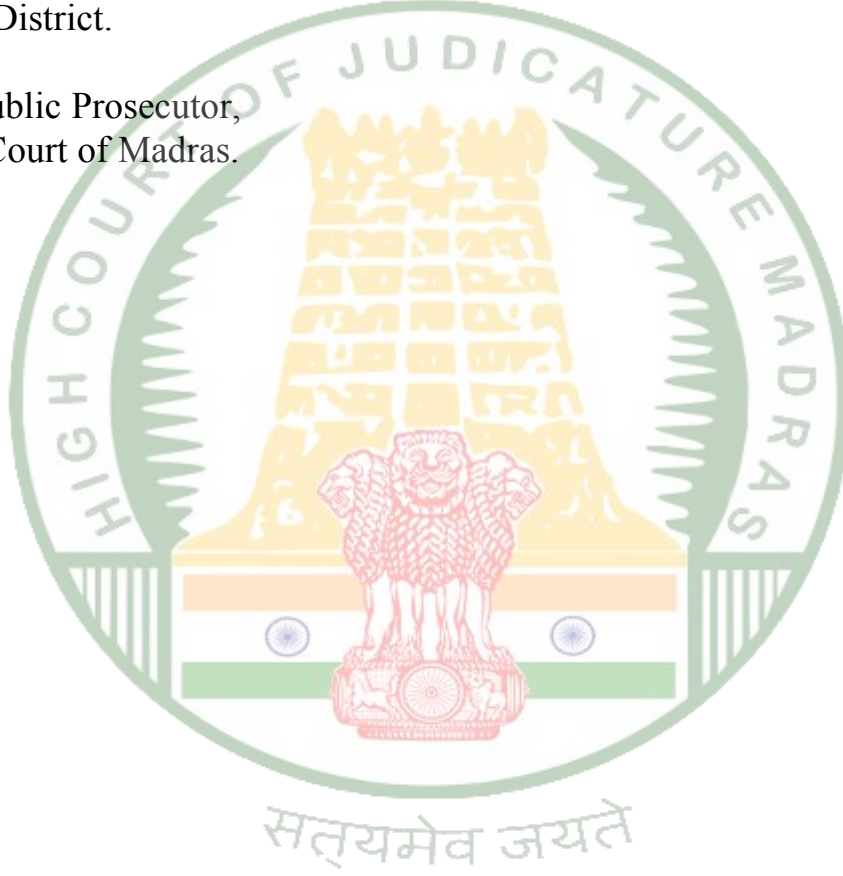
6. With the above directions, this Criminal Original Petition is ordered.

10.02.2021

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To

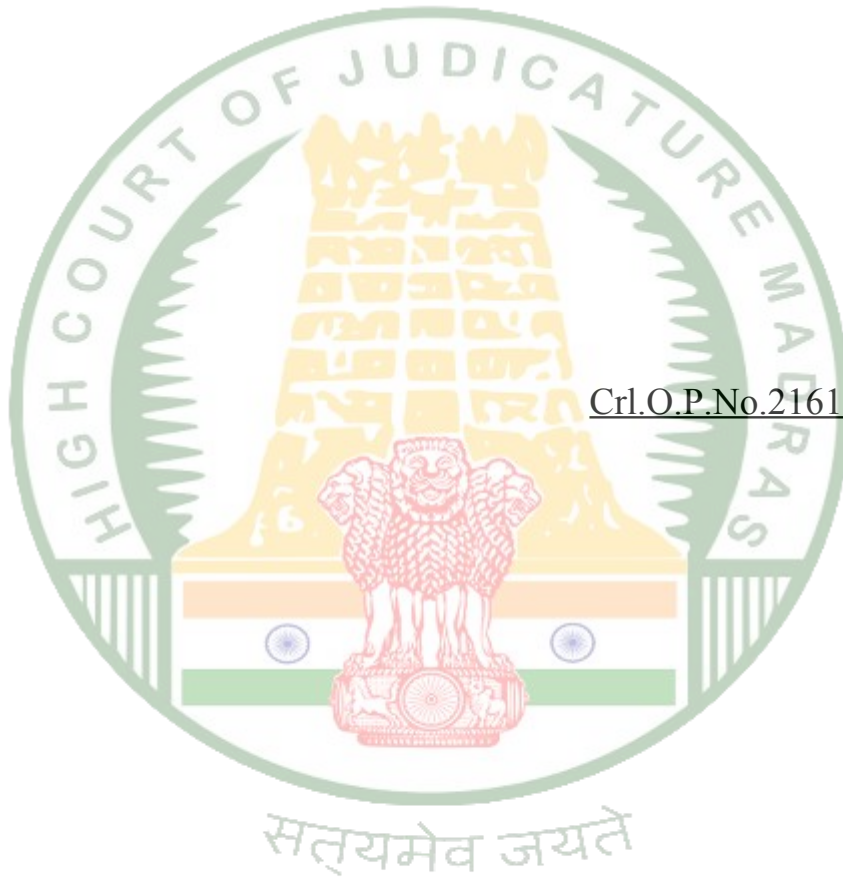
1. The Principal District and Sessions Judge,
Salem.
2. The Inspector of Police,
Steel Plant Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.



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V.BHARATHIDASAN,J

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