

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3238 of 2021

SHERIFF BASHA

[PETITIONER/ACCUSED NO.A1]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
NORTH POLICE STATION,
VELLORE DIST.
(Crime No.63/2021)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S M.RAJENDIRAN Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is A1. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 341, 406 and 506(ii) of IPC and Section 4 of Woman Harassment Act, 2002, in Crime No.63 of 2021 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was occupying the cottage owned by the defacto complainant and refused to vacate the said premises and abused the defacto complainant in filthy language and criminally intimidated her. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. He further submitted that earlier when this matter came up for hearing on 24.02.2021, this Court directed the petitioner to vacate the premises and handover the same to the defacto complainant. In compliance of the direction of this Court, the petitioner has vacated the premises and handed over the same to the defacto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a wordy quarrel between the defacto complainant and the petitioner and the petitioner abused the defacto complainant in filthy language and intimidated her. He further submitted that the co-accused/A2 was arrested and released on bail.

5. Considering the facts and circumstances of the case, and the fact that there was a wordy quarrel between the petitioner and the defacto complainant and the petitioner has also vacated and handed over the premises to the defacto complainant and the co-accused was also granted bail, 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 No.IV, Vellore, 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 appear before the respondent as and when required for interrogation and the petitioner shall not indulge in any act of similar nature in future.

(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.

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

-sd/-
10/03/2021

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S T.SARAVANAN Advocate on payment of necessary charges
SR.NO.3154.

CRL OP.3238/2021

सत्यमेव जयते Date :10/03/2021

EP-17/03/2021

WEB COPY