

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.4285 of 2021

PURNIMA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
M-3, PUZHAL POLICE STATION,
CHENNAI
CRIME NO.61 OF 2021

[RESPONDENT]

For Petitioner : M/S.R.MUTHUKUMAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

(This case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.61 of 2021 on the file of the respondent police for the alleged offence u/s 147, 447, 448, 294(b), 323, 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. There are totally 5 accused in this case and the petitioner has been arrayed as A4. The petitioner was stated to have been working under A1, who is a cinema producer. Earlier, the de facto complainant stated to have assaulted the petitioner and also made a false complainant against him. Thereafter, the petitioner along with the other accused went to the house of the de facto complainant and assaulted her and also criminally intimidated her. Hence, the case came to be registered against the petitioner on a complaint from the de facto complainant.

4. The learned counsel for the petitioner would submit that the petitioner is innocent of the alleged offence and he has been falsely implicated due to vengeance.

5. The learned Additional Public Prosecutor would oppose the petition for anticipatory bail. He would however fairly submit that co-accused had been granted anticipatory bail by the Sessions Court itself.

6. Considering the facts and circumstances of the case and also the fact co-accused had been granted by the Sessions Judge himself, 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, Madhavaram, Chennai, on executing 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:

[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 by the police 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 himself /Trial Court 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/-
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,
MADHAVARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-3, PUZHAL POLICE STATION,
CHENNAI

+1CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary charges SR NO.3110

CRL OP.4285/2021

MK:16/03/2021

Date:10/03/2021

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