

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4265 of 2020

1 ANANDAKUMAR SHANMUGAM [PETITIONER / ACCUSED]

2 SHANMUGHAM AYYASAMY AASARI

3 SUSILA SHANMUGAM

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE
STATION, PARAMATHY VELLORE,
NAMAKKAL DISTRICT.
CR.NO.01 OF 2020.

For Petitioner : M/S.SARAVABHAUMAN ASSOCIATES Advocate

For Respondent : M/S.P.KRITIKA KAMAL, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498 (A), 417, 506(1) IPC read with Section 4 of Tamil Nadu Harassment of Women Act, in Crime No.1 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the 1st petitioner and the defacto complainant, as a result of which, the petitioners had abused and harassed the defacto complainant. Hence, the complaint was registered.

3. Earlier, this Court had granted anticipatory bail to the 2nd and 3rd petitioners in this petition vide order dated 26.02.2020 and further the first petitioner./A1 and the defacto complainant were directed to appear before the Mediation Centre on 04.03.2020 at 03.30 p.m.,

4. The learned counsel appearing for the 1st petitioner submit that the 1st petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that earlier the second and third petitioners were granted anticipatory bail by this Court on 26.02.2020. Hence, he prays for grant of anticipatory bail to the 1st petitioner.

5. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

6. The learned counsel for the intervenor/defacto complainant also vehemently opposed for grant of anticipatory bail to the 1st petitioner.

7. Considering the facts and circumstances of the case, the complaint being on account of a matrimonial dispute and there being no previous case pending against the 1st petitioner, this Court is inclined to grant anticipatory bail to the 1st petitioner.

8. Accordingly, the 1st 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, Paramathy, Namakkal**, on condition that the 1st 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 and on further condition that:

(a) the 1st petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the 1st petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

© the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 1st 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

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
15/04/2021

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,
PARAMATHY, NAMAKKAL
2. THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)
3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMATHY VELLORE,
NAMAKKAL DISTRICT.
5. THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

CC to M/S.SARAVABHAUMAN ASSOCIATES Advocate on payment of necessary charges

WEB COPY

CRL OP.4265/2020

Date :15/04/2021

RG.03.05.2021