

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5145 of 2021

1 CHITHIRA [PETITIONER / ACCUSED]
2 MAHALAKSHMI
3 MANIMEGALAI

Vs

STATE REP.BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CRIME NO. 60 OF 2021.

For Petitioner : M/S.V.R.APPASWAMEE 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 petitioners are A1 to A3. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 315 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harrassment of Women Act, 2002, in Crime No.60 of 2021 on the file of the respondent police, the petitioners seeks anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant. It is further alleged that the A4/husband of the first petitioner herein kicked in the stomach of the defacto complainant when the petitioners caught hold of the defacto complainant and it resulted in abortion. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not indulged in any offence and hence, he prays to grant anticipatory bail to the petitioner. He further submitted that A4 was arrested and released on bail by this Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused persons attacked the defacto complainant, who was a pregnant lady and caused abortion. He further submitted that A4 was arrested and released on bail.

5. Considering the facts and circumstances of the case and the fact that there is no specific allegation against the petitioners and the co-accused was also released on bail, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions :

(a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheyyar, on condition that the petitioners shall execute a separate 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 petitioners shall appear before the respondent police as and when required for interrogation.

(d) The petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioners 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.

-sd/-
15/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

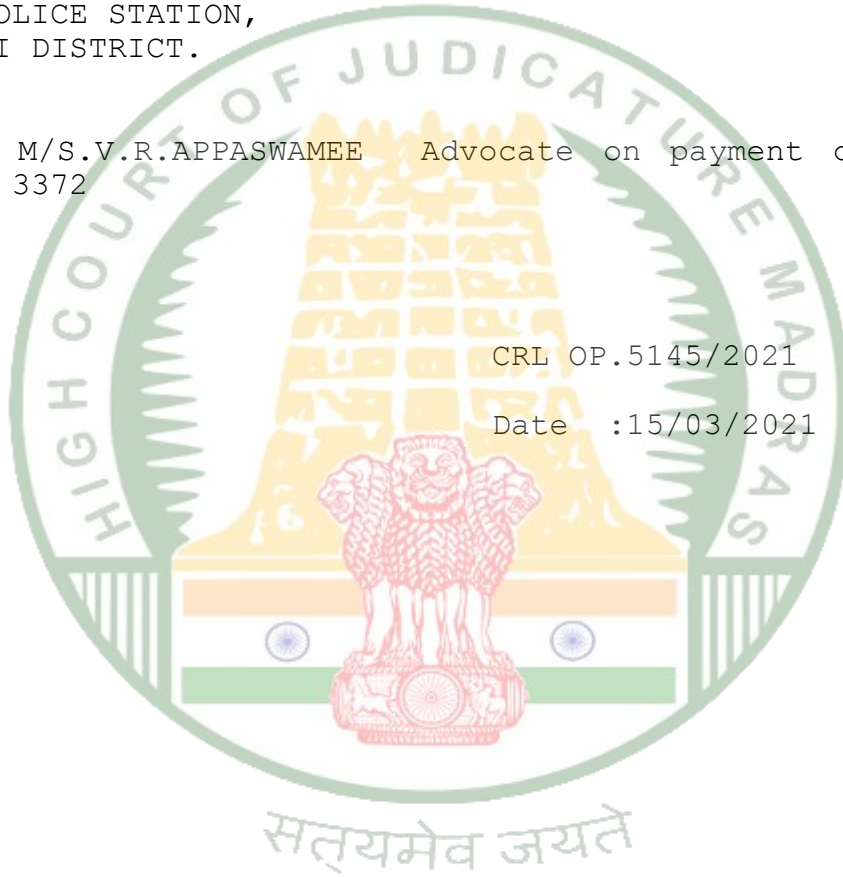
4 THE SUB INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges SR NO. 3372

CRL OP.5145/2021

Date :15/03/2021

MN-29/03/2021



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