

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No. 5609 of 2021

1.Manikandan ... Petitioners
2.Sudha
3.Akash

Vs

State By, ... Respondent
The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
(Crime No. 3109 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure to grant anticipatory bail to the petitioners in the event of their arrest or on their appearance before any Court in connection with the case in Crime No.3190 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Lakshmipathy
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent/police for the offence punishable under Sections 294(b), 323, 352, and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and a counter case in Crime No. 3109 of 2020 was registered.

2. The case of the prosecution is that the husband of the defacto complainant died in the year 2016 and based on the ill advice of the petitioners 1 and 2, the third petitioner, who is the first son of the defacto complainant, quarreled in an inebriated condition and abused her in a filthy language. Hence the complaint.

3. Learned counsel appearing for the petitioners submitted that on the date of occurrence, the informant herein quarreled with the petitioners and abused them in a filthy language, which was questioned by the petitioners herein. He would further submit that

on account of wordy quarrel between the members of the family, the informant foisted a false case against them, in which, they were not at all connected with the alleged occurrence.

4. Learned Additional Public Prosecutor appearing for the respondent/police strongly opposed the bail application sought for by the petitioners.

5. Considering the facts and circumstances of the case and in view of the fact that the alleged occurrence happened between the members of the family, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruthuraipoondi on condition that each of the the 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, failing which, this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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;

[b] the petitioners shall report before the respondent Police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/03/2021

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S. D.LAKSHMIPATHY Advocate on payment of necessary charges SR.NO.3854

CRL OP.5609/2021

Date :22/03/2021

TA-01/04/2021