

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5671 of 2021

S.MADHAN KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION,
VADAVALLI, COIMBATORE DISTRICT
(CR.NO.60/2021)

For Petitioner : M/S.T.BALAJI 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 case has been heard through video conference)

The petitioner/A4, who apprehends arrest in connection with the case in Crime No.60 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 341, 324,506(ii) of IPC and Section 4 of The Tamil Nadu Prohibition of Harassment of Woman Act, 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. The petitioner is arrayed as A4. The de facto complainant is the mother of A1's wife. The A1 married one Kiruthika, daughter of the de facto complainant in the year 2019. Thereafter, due to misunderstandings, she said to be driven out from the matrimonial home and she is living at her parental abode. Earlier, when the petitioner moved an application before this court seeking police protection, this court has permitted her to share the household with the husband and her in-laws. The said order was subsequently modified permitting the petitioners to stay in the ground floor and the wife of the A1 in the first floor. The allegation is that the de facto

complainant along with her daughter, the wife of the A1, went there, the petitioner along with other accused quarrelled with them and also attacked them. Hence, the case came to be registered on a complaint from the mother in law of the A1.

4. The learned counsel for the petitioner would submit that there was a matrimonial dispute between A1 and his wife and on 03.03.2021 there was a wordy quarrel between the parties in which the both the parties attacked each other and caused minor injuries. There is a counter case registered against the de facto complainant party on the complaint from the accused party. The learned counsel for the petitioner would submit that one of the petitioner was injured and no one sustained injury on the side of the de facto complainant. He would further submit that co-accused had already been granted anticipatory bail by this Court in CrI.O.P.No.5038 of 2021 dated 15.03.2021. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

5. The learned counsel for the intervenor would oppose the petition for anticipatory bail. He would submit that despite the order from the court in favour of the daughter of the de facto complainant to share the household with her husband and in-law, the petitioner along with other accused prevented her from entering into the house and there was a quarrel in which the petitioner along with other accused attacked the de facto complainant and her daughter and caused injuries.

6. The learned Additional Public Prosecutor would fairly submit that the occurrence had taken place due to matrimonial dispute between A1 and his wife and there is a counter case registered against the de facto complainant and other in Crime No.63 of 2021. According to him, no one sustained grievous injury and the injured had been discharged hospital.

7. Considering the nature of dispute and also the fact that there is also a counter case registered against the de facto complainant and all other circumstances of the case, now the co-accused had already been granted anticipatory 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-VI, Coimbatore, 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 have been 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/-

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.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION,
VADAVALLI, COIMBATORE DISTRICT

CC to M/S.T.BALAJI Advocate on payment of necessary charges
SR.NO. 3918

CRL OP.5671/2021

Date :22/03/2021

rvr 01/04/2021



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