

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.5873 of 2021

1 SHANTHI
2 PRATHEEP

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
SARAVANAMPATTY POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.261 OF 2021.

For Petitioner : M/S. C.MOHANRAJ 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, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 75(1)(c) of Tamil Nadu City Police Act, 1888, Sections 323, 427 and 506(ii) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.261 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant belongs to a same family. The first petitioner is the mother of the second petitioner and the defacto complainant and there was some property dispute between them. Due to which the petitioners said to have attacked the defacto complainant and caused injuries to him. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioners have also filed a complaint against the defacto complainant in Cr.No.260 of 2020 and as a counter blast the defacto complainant have filed the present complaint against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned public prosecutor would submit that there was some property dispute between them. Due to which the petitioners said to have attacked the defacto complainant and caused injuries to him. Hence he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that only due to wordy quarrel the occurrence have taken place and the petitioners have also filed a complaint against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

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 No.II, Coimbatore District on condition that 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.

[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 229 A IPC.

With the above directions, this Criminal Original petition is ordered.

-sd/-
25/03/2021

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,
NO.II, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SARAVANAMPATTY POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. C.MOHANRAJ Advocate on payment of necessary charges
SR.No.4124

सत्यमेव जयते

CRL OP.5873/2021

Date :25/03/2021

cs 16/04/2021

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