

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7496 of 2021

1 K.BALASUBRAMANIAM
2 K.GANAPATHY
3 S.BAKKIYAM
4 V.RAJENDRAN
5 JAGADHEESHWARAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT
CR O.125/2021

[RESPONDENT]

For Petitioner : M/S.M.N.BALAKRISHNAN Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN, 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 for the alleged offences under Sections 294(b), 323 and 506(ii), 379 of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.125 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to previous enmity the petitioners have abused and assaulted the defacto complainant and caused severe injuries. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. Due to previous enmity, he foisted this false complaint against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners have abused the defacto complainant and assaulted him and caused injuries. He further submitted that the injured has been admitted and discharged from the hospital and the petitioners have no previous case against them.

6. Taking into consideration the facts and circumstances of the case and the nature of allegation against the petitioners and also the submissions made by the learned Additional Public Prosecutor that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-II, Udumalpet, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate 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 sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners 1,2,4 & 5 shall report before the respondent police daily at 10.30 a.m and 5.30 p.m for a period of two weeks and weekly once every Monday at 10.30 a.m for two weeks and thereafter as and when required for interrogation.

The 3rd petitioner being a lady shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

22/04/2021

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,
NO.II, UDUMALPET

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges Sr.5271

CRL OP.7496/2021

Date :22/04/2021

RVR 30/04/2021

WEB COPY