

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7378 of 2021

R.VEERAMUTHU

[PETITIONER / ACCUSED]

Vs

STATE REP. BY THE
INSPECTOR OF POLICE,
ALIYAR POLICE STATION,
COIMBATORE DISTRICT
CRime NO.73 of 2021

[RESPONDENT]

For Petitioner : M/S.P.MUTHAMIZH SELVAKUMAR 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 petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 506(ii) of IPC 1882 R/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.73 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the first husband of the defacto complainant and he went to the defacto complainant's house and abused her and attacked her using stone and threatening her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant is the wife of the petitioner and she left the matrimonial house. On the date of occurrence, the petitioner sent to the defacto complainant's house and asked her to live with him. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, the petitioner abused the defacto complainant with filthy language and assaulted her.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate, No-II, Pollachi, Coimbatore, 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, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and then as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

-sd/-
20/04/2021

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 COURT NO.II,
POLLACHI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

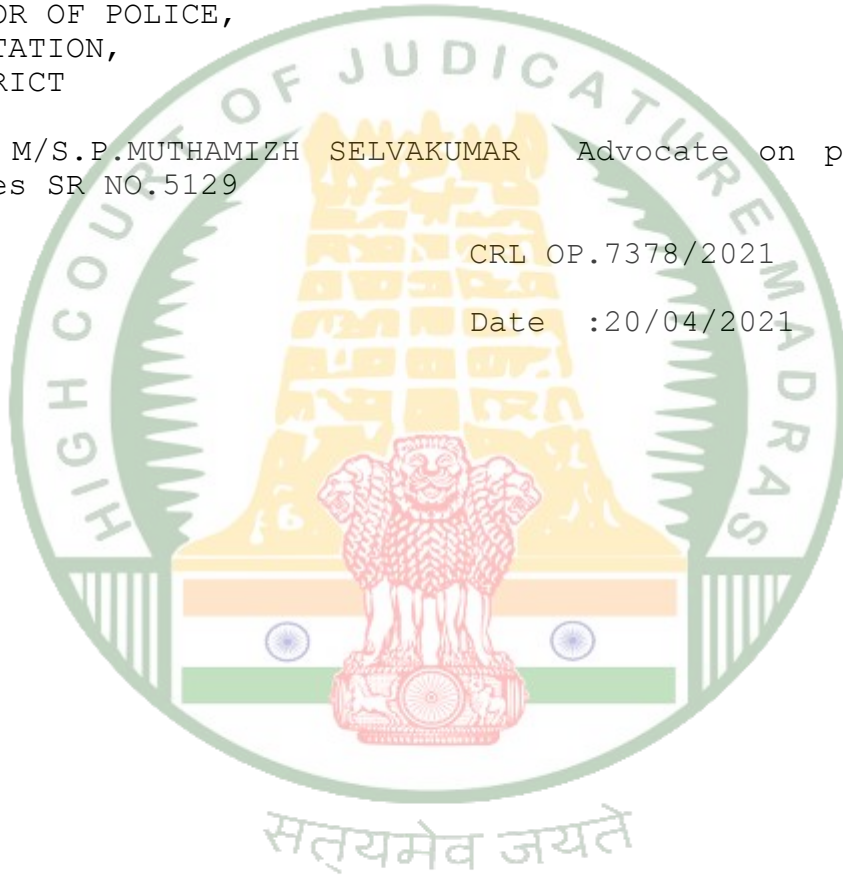
4 THE INSPECTOR OF POLICE,
ALIYAR POLICE STATION,
COIMBATORE DISTRICT

+1CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges SR NO.5129

CRL OP.7378/2021

Date :20/04/2021

MK:22/04/2021



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