

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.7601 of 2021

KONDAPPAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.158/2021.

For Petitioner : M/S. R.TAMILVANAN 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 apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.158 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. There are totally three accused in this case and the petitioner is added as A2. The case of the prosecution is that the de-facto complainant's sister, viz., Jayasree was fell in illness and admitted in the hospital and thereafter, she died. After coming to know that the deceased and one Vadivel (A1) were in love affairs, the de-facto complainant and her mother met A1 and enquired about the love affair between him and the deceased and whether he took photographs along with the deceased. For which, A1 and other accused defamed the deceased and also scolded the de-facto complainant and her mother and threatened them with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that totally there are three accused in this case and the petitioner is A2 (who is the friend of A1), A1 is juvenile and A3 was already arrested. He would further submit that no one was injured in this case. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also taking note of the fact no one was injured in this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.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 Juvenile Court, Tiruppur, 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 thereafter 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]; and;

(f) if the accused thereafter absconds, 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 JUVENILE COURT,
TIRUPPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S. R.TAMILVANAN Advocate on payment of necessary charges

CRL OP.7601/2021

Date :22/04/2021

RVR 30/06/2021