

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7612 of 2021

1 NAGARAJAN
2 ANANDAN
3 DHANASEKARAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REPRESENTED BY [RESPONDENT]
INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT
(CRIME NO.166 OF 2021)

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 at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324, and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.166 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner's daughter was married the defacto complainant's son. On 04.04.2021 at 10.45 hours, there was a family dispute and wordy quarrel arose between them due to which, these petitioners abused the defacto complainant in filthy language and attacked with hands and also intimidated with dire consequences and in the quarrel, the defacto complainant sustained injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that there was a family dispute and a wordy quarrel arose and both the parties exchanged blows and a counter case was also registered before the respondent police in Crime No.165 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the first petitioner's daughter was married the defacto complainant's son. On 04.04.2021 at 10.45 hours, there arose a family dispute and a wordy quarrel due to which the petitioners abused the defacto complainant in filthy language and attacked with hands and also intimidated with dire consequences in which the defacto complainant sustained injuries. He further submits that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that the injured has since been discharged from the hospital and that the occurrence had taken place in the midst of a wordy quarrel and there being case and counter case with respect to the same incident, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Udumalpet on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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/-
23/04/2021

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.I,
UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR NO.5273

CRL OP.7612/2021

MK:28/04/2021

Date:23/04/2021

WEB COPY