

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.7615 of 2021

1 NADARAJAN @ NADARAJ [PETITIONERS / ACCUSED]
2 BALAKRISHNAN @ BALAN
3 SOUNDARARAJAN @ SOUNDARRAJ

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MADATHUKULAM POLICE STATION,
TIRUPPUR DISTRICT.
(CRIME NO.96 OF 2021)

For Petitioner : M/S.A.SARANRAJ 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 448, 294(b), 323, 355, r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 of IPC, in Crime No.96 of 2021 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioners and the defacto complainant belong to the same village. There was a wordy quarrel between them, in which the petitioners said to have abused the defacto complainant and his family members. 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 Government Advocate would submit that in a wordy quarrel between the petitioners and the defacto complainant, the petitioners said to have abused the defacto complainant and his family members. He further submitted that no one is injured in this case and no previous case is pending against the petitioners.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate 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 Munsif cum Judicial Magistrate, Madathukulam, Tiruppur District, 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 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 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/-
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MADATHUKULAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.A.SARANRAJ Advocate on payment of necessary charges
SR NO.5329

CRL OP.7615/2021

Date :23/04/2021

MK:30/04/2021