

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.7696 of 2021

SATHISH @ SATHISHKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY,
INSPECTOR OF POLICE
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT
CR NO.73/2021

[RESPONDENT]

For Petitioner : M/S.M.JAYACHANDRAN 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 for the alleged offences under Sections 294(b),506(i) of IPC and r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.73 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 defacto complainant is a widow living with her two children. It is alleged that the petitioner with an ulterior motive approached her and disturbing her. When the defacto complainant informed about this to her brother and when they questioned, the petitioner said to have abused the defacto complainant with filthy language and threatened her with dire consequences. Hence, the complaint.

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

5. The learned Government Advocate would submit that in a wordy quarrel between the defacto complainant's brother and the petitioner, the petitioner said to have abused the defacto complainant using filthy language and threatened her with dire consequences. He further submitted that no one is injured in this case and no previous case is pending against the petitioner.

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 petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Denkanikottai, within a period of 15 days from the date of receipt of a copy of this order, on their executing 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 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 petitioner shall stay at Jolarpet and report before the Jolarpet town police station, daily at 10.30 a.m and 5.30 p.m., for a period of two weeks and thereafter daily at 10.30 a.m. for a period of one week and thereafter report before the respondent Police as and when required for interrogation.

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

[d] the petitioner 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 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 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 JUDICIAL MAGISTRATE,
DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
JOLARPET TOWN POLICE STATION,
JOLARPET.

CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges Sr.5238

CRL OP.7696/2021

Date :23/04/2021

RVR 04/05/2021

WEB COPY