

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8249 of 2021

1 P.SULOCHANA
2 P.BARANIDHARAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VEPPADAI POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.174 OF 2021.

[RESPONDENT]

For Petitioner : M/S.N.MANOKARAN Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN
GOVERNMENT 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 294(b), 323, 354, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act, 2002, in Crime No.174 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to previous enmity, the petitioners abused and attacked the defacto complainant and her husband and assaulted them. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate would submit that the petitioners have abused the defacto complainant and her husband and assaulted them. He further submitted that no one is injured and no previous case is pending as against the petitioners.

6. Taking into consideration the facts and circumstances of the case and the nature of allegation against the petitioners and also the submission made by the learned Government Advocate that there is no previous case against the petitioners and no one is injured in this case, 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 Judicial Magistrate, Komarapalayam, 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 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/-

30/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
KOMARAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

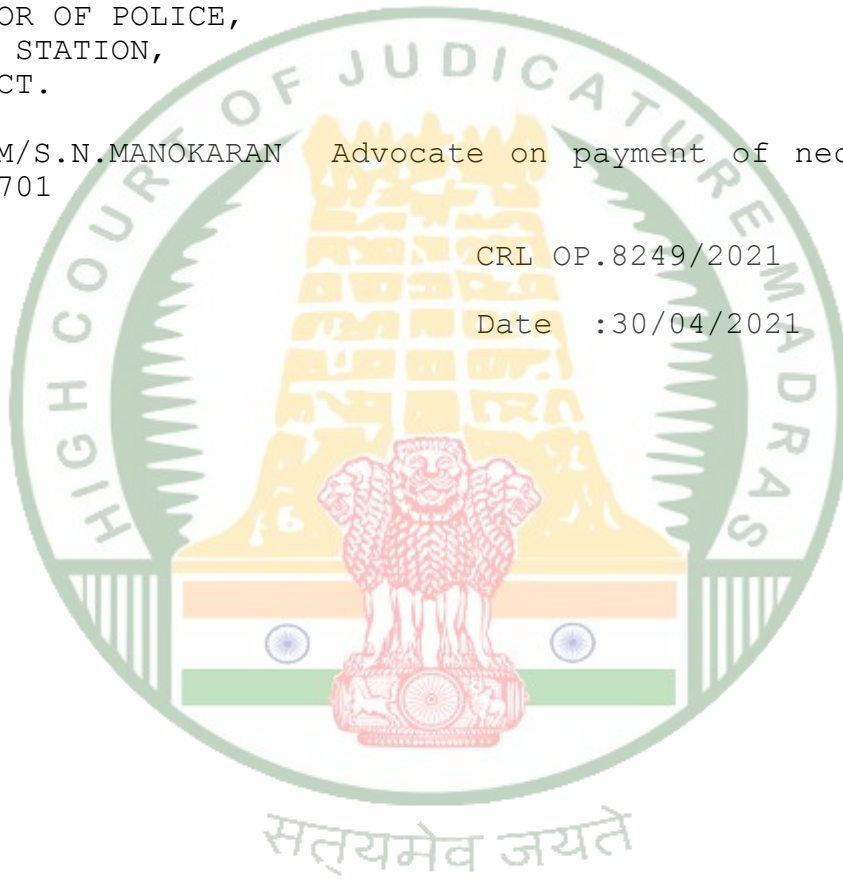
4 THE INSPECTOR OF POLICE,
VEPPADAI POLICE STATION,
NAMAKKAL DISTRICT.

+1CC to M/S.N.MANOKARAN Advocate on payment of necessary
charges SR NO.5701

CRL OP.8249/2021

Date :30/04/2021

MK:07/06/2021



WEB COPY