

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8411 of 2021

1 ENOCH FRANKLIN [PETITIONERS / ACCUSED]
2 AMMU CHRISTY

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MANAVALAN NAGAR POLICE STATION,
THIRUVALLUR.
CR.NO.125/2021.

For Petitioner : M/S.T.RAVI Advocate

For Respondent : M/S.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 (A2 and A3) who apprehend arrest at the hands of the respondent/police for the offences punishable under Sections 294 (b), 323 and 506 (I) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.125 of 2021, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the *de facto* complainant and it is alleged that the petitioners have assaulted the *de facto* complainant with hands, abused her in unparliamentary words and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the dispute is between the family members. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) would submit that the petitioners have attacked, abused and threatened the *de facto* complainant. He would further submit that the victim/injured has not suffered any external injury. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy made ready, before the learned **Judicial Magistrate No.II, Tiruvallur**, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] **the petitioners shall not try to contact the de facto complainant either directly or indirectly in any manner and shall not come in the vicinity of the de facto complainant wantonly;**

[f] 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]**; and

[g] if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
06/05/2021

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.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANAVALAN NAGAR POLICE STATION,
THIRUVALLUR.

+1 CC to M/S.T.RAVI Advocate on payment of necessary charges
SR.NO.6055

CRL OP.8411/2021

Date :06/05/2021

TA-11/05/2021



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