

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.8615 of 2021

P.RAMESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.
CR NO.447/2021

For Petitioner : M/S.C.D .JOHNSON Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government 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 at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) and 498A of IPC in Crime No.447 of 2021, seeks anticipatory bail.

2. The petitioner and the de facto complainant are husband and wife. The case of the prosecution is that due to some domestic quarrel, the petitioner assaulted the de facto complainant with badminton racquet and also threatened her with dire consequences. Hence, the complaint.

3. The learned Government Advocate (Criminal Side) would submit that the petitioner and the de facto complainant are husband and wife and they have 3 children and at present, the son is under the custody of the de facto complainant and the two daughters are under the custody of the parents of the petitioner.

4. The learned counsel appearing for the petitioner would submit that the petitioner is not having any objection even if the de facto complainant comes and visits her daughters and he further submitted that there is likelihood for settlement, if the petitioner is released on anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the parties are willing to reunion, they are at liberty to work out the settlement, [but the petitioner should not try to harass the de facto complainant either directly or indirectly in any manner and he shall not come in the vicinity of the de facto complainant wantonly], this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional Mahila Judge (Magisterial Level), Perambalur District, on condition that the petitioner 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 condition that:

[a] the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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].

[f] If the accused thereafter absconds, 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 ADDITIONAL MAHILA JUDGE
(MAGISTERIAL LEVEL),
PERAMBALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
PERAMBALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S.C.D .JOHNSON Advocate on payment of necessary charges

CRL OP.8615/2021

Date :06/05/2021

cs 07/07/2021

WEB COPY