

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9097 of 2021

Swarnamageshwaran
No.3, South Kattukottai,
Periyakollapatti, Mallasamuthiram,
Tiruchengode Taluk, Namakkal District. ... petitioner

Vs.

State of Tamil Nadu
Rep. by The Inspector of Police,
Vadavlli Police Station,
Coimbatore, Coimbatore District.
Cr.No.125 of 2021. ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.125 of 2021 on the file of the respondent police.

For petitioner : Mr.S.Giritharan
for Mr.L.Vinoth
For Respondent : Mr.A.Damodaran
Government Advocate
(Crl. side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448 and 380 of IPC in Crime No.125 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute, in a wordy quarrel, the petitioner has abused and attacked the defacto complainant and caused injuries and that the petitioner and others came to the defacto complainant's house and have stolen his heavy vehicles (15 Nos) and cars (4 Nos) and thereby, the defacto complainant lodged the present complaint before the respondent police.

3. The learned counsel appearing for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and that the petitioner has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would admit the matrimonial dispute between the parties. But he opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case which would reveal that as counter blast to Crime No.60 of 2021 and another Criminal case arise between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate No.VI, Coimbatore, on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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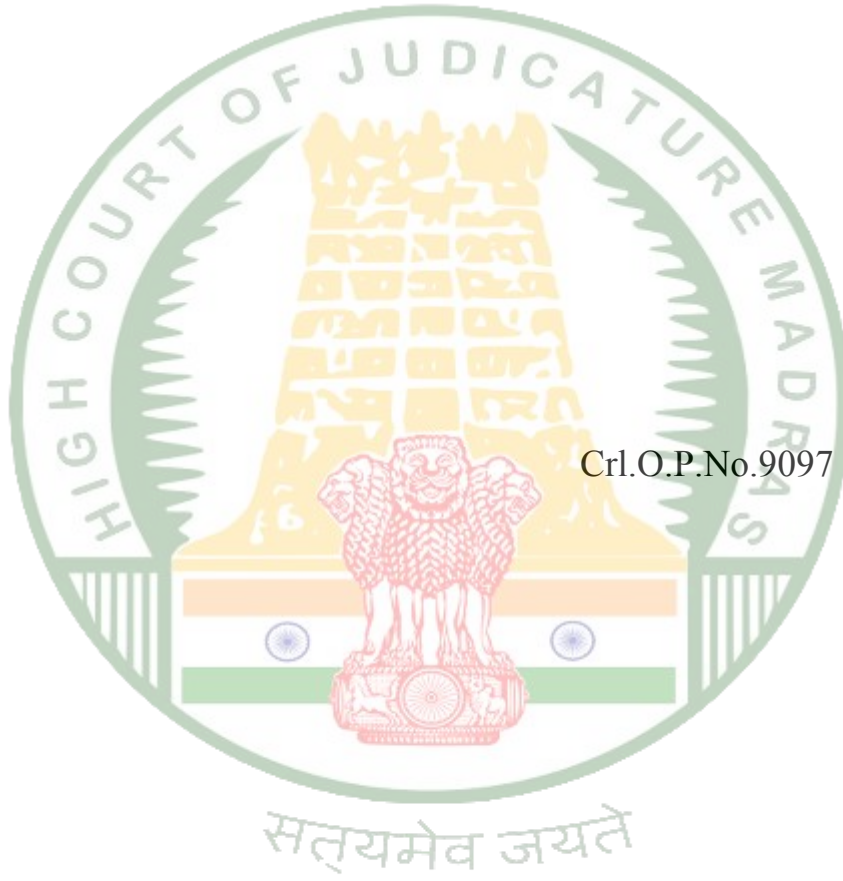
To

1. The learned Judicial Magistrate No.VI,
Coimbatore.
2. The Inspector of Police,
Vadavalli Police Station,
Coimbatore, Coimbatore District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.
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