

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9768 of 2021

1. S.Alex Pandian ... Petitioner
2. S.Poonkodi,
3. G.Samuvel,
4. Alice Poornima

Vs.

State rep
The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem.
(Crime No.24 of 2021) ... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge petitioners on bail in the event of their arrest by the respondent police pending investigation in Crime No.24 of 2021 on the file of the respondent.

For Petitioners: Mr.S.Panneer Selvan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498-A, 323, 324 of IPC and 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.24 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the first petitioner/first accused is the husband of the defacto complainant one Megala. The first petitioner/first accused along with his parents/A2 and A3 committed cruelty and assaulted the defacto complainant, due to which, the defacto complainant wants to set up a separate family with her husband. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution

and they have been falsely implicated in this case. He further submits that the first petitioner/first accused was working at Bangalore and since he has been affected with Covid-19 carrying out his work from home, when the defacto complainant came from her parents house and compelled the first petitioner/first accused to set-up a separate family immediately and created nuisance. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Cr1.Side) submits that due to family dispute, the petitioners herein committed cruelty and assaulted against the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioner 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 of receipt of a copy of this order, before the learned Additional Mahila Court, Salem on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m for a period of two weeks and thereafter 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) 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 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/06/2021

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 COURT,
SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.PANNEER SELVAN Advocate on payment of necessary
charges SR.NO. 6666

CRL OP.9768/2021

Date :21/06/2021

WEB COPY

MN-09/07/2021