



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.10084 of 2021

1.S.Babu
2.S.Vijayakumar
3.Selvi
(*) 4.B. Suguna
5.Devi

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Thimiri Police Station,
Ranipet District.
Crime No.283 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to grant anticipatory bail to the petitioner in the event of arrest by the Respondent Police, pending investigation of the case in Crime No.283 of 2021.

For Petitioners: Mr.K.Kesavan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)
(DATED 11/06/2021)

: MR.A.GOPINATH Govt. Advocate (Crl. Side)
(DATED 17/09/2021)

ORDER

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323, 324 & 506(ii) IPC read with Section 4 of Women Harassment Act in crime No.283 of 2021 and seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant as well as the second petitioner's father-in-law Chinnadurai were abused by the petitioners by filthy language and they were also assaulted.



3. It is the case of the petitioners that they are innocent and no way involved in the commission of the alleged offences. According to them, the defacto complainant took photographs of the fifth petitioner while she was bathing in the bathroom and in view of the same, there was a wordy quarrel between the petitioners / accused and the defacto complainant which resulted in the defacto complainant lodging a false complaint against the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent on instructions would submit that the defacto complainant has been discharged from the hospital.

5. After giving due consideration to the aforementioned factors and in view of the fact that the defacto complainant has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfillment of certain conditions.

6. 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 of lifting of lock down or commencement of Courts normal functioning whichever is earlier before the learned Judicial Magistrate No.1, Wallajapet on condition that each of the petitioners shall execute separate bonds 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 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.

[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 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/s, a fresh FIR can be registered under Section 229A IPC.

7. With the aforesaid directions, this Criminal Original Petition stands ordered.

-sd/-
11/06/2021

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.

(*)AMENDED AS PER ORDER OF THE COURT DATED 17/09/2021 MADE IN CRL.MP.No.9408 OF 2021 IN CRL.O.P.No.10084 OF 2021 BY The Hon`ble Mr Justice M.DHANDAPANI

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, WALLAJAPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
THIMIRI POLICE STATION,
RANIPET DISTRICT.

CC to M/S.K.KESAVAN Advocate on payment of necessary charges

CRL OP.10084/2021

Date :11/06/2021

CS 22/07/2021

RW 22/09/2021