



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10245 of 2021

1. G.Senthilkumar ... Petitioners
2. M.Tamil @ M.Tamilselvan

Vs.

State Represent by ... Respondent
The Inspector of Police,
Salem Town Police Station,
Salem City.
(Cr.No.338 of 2021)

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.338 of 2021 on the file of the Inspector of Police, Salem Town Police Station, Salem City.

For Petitioners: MR.N.Vijaya Basker

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 341, 294(b) , 195-A, 354-A, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Crime No.338 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that 1st petitioner got married with the defacto complainant and out of wedlock, 2 daughters were born and due to the family dispute and misunderstanding that arouse between the 1st petitioner and the defacto complainant, they got separated and started living in their respective parents home. The defacto complainant's elder daughter called her father through cell phone, at that time, the 1st petitioner's brother and his friends had abused the defacto complainant's daughter with vulgar words and threatened the defacto complainant with dire consequences. Hence, the case was registered against the petitioners on the complaint of the defacto complainant .

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 already there was a family dispute between the



1st petitioner and the defacto complainant, the defacto complainant used to threaten the 1st petitioner and his family members and with a view to usurp money from the 1st petitioner and his parents, the present complaint has been filed. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) submits that a due to family dispute and misunderstanding that arouse between the defacto complainant and the 1st petitioner, they are living separately. The defacto complainant's elder daughter called her father through cell phone, at that time, the 1st petitioner's brother and his friends are abused the defacto complainant's daughter with vulgar words and threatened the defacto complainant with dire consequences. He submitted that investigation is going on that, therefore, he opposed for grant of anticipatory bail to the petitioner.

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

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 receipt of a copy of this order, before the **learned Additional Mahila Court, Salem** on condition that each of the petitioners shall execute a separate 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 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;



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

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-sd/-
18/06/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
SALEM TOWN POLICE STATION,
SALEM CITY.

CC to M/S.LAW VISION Advocate on payment of necessary charges

CRL OP.10245/2021

Date :18/06/2021

TA-23/07/2021