

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

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

Crl.O.P.No.11031 of 2021

Akbar @ Akbar Ali, S/o.Shakul Hameed
No.39/51, Periyasami Street,
Coimbatore South, Sugunapuram,
Coimbatore District.

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Kunaimuthur Police Station,
Coimbatore District.
Cr.No.334 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.334 of 2021 on the file of the respondent police.

For Petitioners : Mr.L.Sathyamurthy

For Respondent : Mr.L.Baskaran

Government Advocate
(Crl. side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.334 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused who are none other than the husband and brother-in-law of the defacto complainant abused her in filthy language and stabbed her with knife. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant has lodged a false complaint against him. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner and along with the other accused abused the defacto complainant and attacked her with knife and the injured discharged from the hospital. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital, 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 Court No.VII, Coimbatore, on condition that the each of 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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.

06.07.2021

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

1. The Judicial Magistrate Court No.VII
Coimbatore.

2. The Inspector of Police,
Kunaimuthur Police Station,
Coimbatore District.

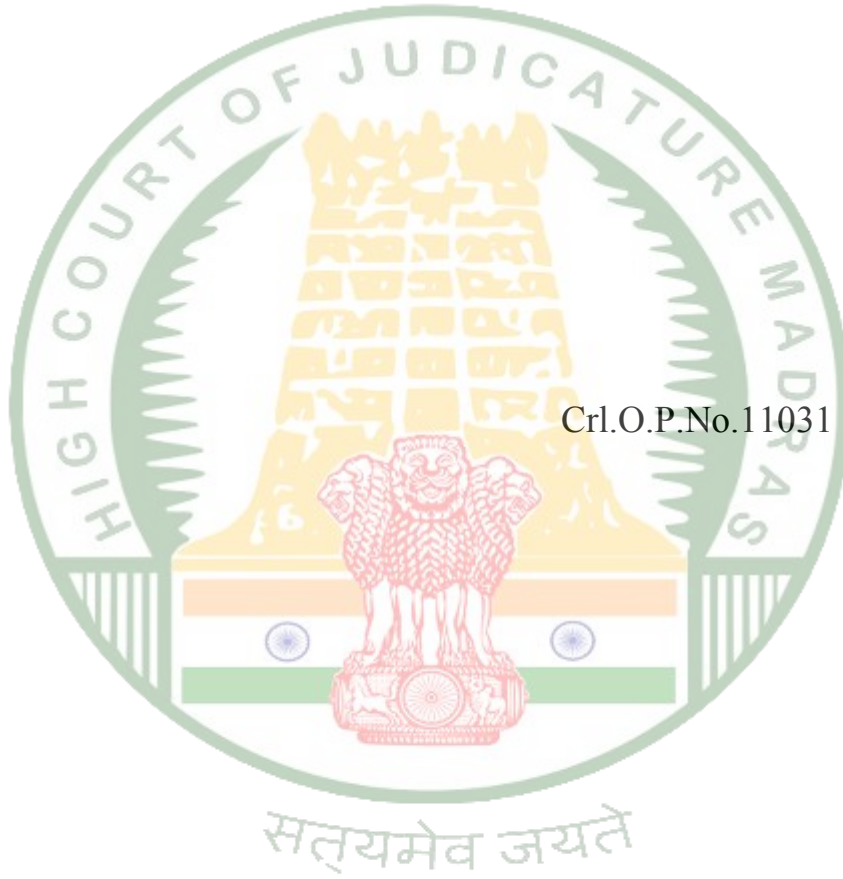
3. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.

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