

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10630 of 2021

R.S.Sivakumar

... Petitioner

Vs.

State Rep by  
Inspector of Police,  
Krishnagiri Taluk Police Station,  
Krishnagiri District.  
(CrimeNo.166 of 2021)

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest in Crime No.166 of 2021 pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.166 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant arranged marriage of her daughter. On the date of occurrence, when the petitioner was standing near the house of the defacto complainant and talking in his cell phone, the defacto complainant's son came out from the house and on seeing him, the petitioner assaulted him and the defacto complainant questioned about the assault, which resulted in a wordy quarrel between the petitioner and the defacto complainant in which the petitioner abused the defacto complainant in filthy language and fisted on his chest and pushed her to the floor and in the said quarrel, the defacto complainant sustained injuries. Hence, the defacto complainant filed a complaint, which was registered by the respondent.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that due to money dispute, there was a wordy quarrel between the petitioner and the defacto complainant; the defacto complainant attacked the petitioner with iron rod, stones and he sustained injuries and also threatened him. Regarding the same, a counter case has also been registered against the defacto complainant and her party people in Crime No.165/ 2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) fairly submits that a case in counter has been filed by the petitioner and that there was a wordy quarrel between the petitioner and the defacto complainant, which has resulted in registration of the case as also the case in counter.

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

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Krishnagiri on condition that 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 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 Court concerned 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 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 JUDICIAL MAGISTRATE,  
NO.II, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
KRISHNAGIRI TALUK POLICE STATION,  
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.10630/2021

Date :21/06/2021

RVR 12/07/2021

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