



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

WEB COPY

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10737 of 2021

Arunkumar

... Petitioner

Versus

State represented by
The Inspector of Police,
Salem Town Police Station,
Salem District.
(Crime No.338 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of apprehending arrest in the Crime No.338 of 2021 on the file of the respondent.

For Petitioner : Mr.B.Vasudevan

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under 147, 341, 294(b), 195A, 354A and 506(2) in Cr.No.338 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 were husband and wife and they have got two female children. Due to misunderstanding, they are living separately. On 30.05.2021, when the elder daughter wanted to speak with his father / A1, the defacto complainant made a phone call. However, A2/petitioner had received the call and scolded her in filthy language. Hence she made a complaint before the police and the law enforcing agency had registered a case against the petitioner.

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. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that it is a family dispute and there was no injury and there is no previous case against the petitioner.

5. Considering the nature of 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.I, Salem, 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. until further orders;

(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]; and;

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

-sd/-

22/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S B.VASUDEVAN Advocate on payment of necessary
charges

CRL OP.10737/2021

Date :22/06/2021

MK:15/07/2021