

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.11136 of 2021

1. Ezhil
2. Nirmal Kumar
3. Karunanidhi
4. Padmini
5. Jayakumar

... Petitioners

Vs.

1. The State Represented by :-
Sub-Inspector of Police,
Ambur Taluk Police Station,
Thirupathur.
(Crime No.322 of 2021)

2. Jayasheela

... Respondents

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.322 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.S.Xavier Telix

For Respondent -1 : Mr.C.E.Pratap
Government Advocate (Cr1 side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 143, 294(b), 323, 506(i) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Cr.No.322 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are the husband and wife. The second petitioner is the brother of the first petitioner. The petitioners 4 & 5 are the parents of the first petitioner and the 3rd petitioner is their neighbour. Due to demand of dowry made by the first petitioner, the defacto complainant went to her parental house and when she returned to her matrimonial home, the first petitioner was prevented

her to enter the house and assaulted her. The other petitioners were abused and threatened her. Thereby, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and due to family dispute, a false case has been registered against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that no one sustained injuries and there is a case in counter.

5. Considering the facts and circumstances of the case and also of the fact that no one sustained injuries and there is a case in counter, 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 District Munsif cum Judicial Magistrate, Ambur, on condition that the petitioners shall execute separate 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 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.

-sd/-

30/06/2021

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 DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, AMBUR, .

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 SUB-INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
THIRUPATHUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.XAVIER FELIX Advocate on payment of necessary charges Sr.6993

CRL OP.11136/2021

Date :30/06/2021

RVR 09/07/2021

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