



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.11210 of 2021

Thamaraikannan

...Petitioner

Versus

State Rep. by
The Inspector of Police,
Anaimalai Police Station,
Coimbatore District.
(Cr.No.353 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.353 of 2021 on the file of the respondent Police.

For Petitioner : Mr.M.N.Balakrishnan

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

For Intervenor : Mr.Sathyamurthy

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b), 323, 325 and 506(ii) IPC in Cr.No.353 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel appearing for the intervenor/defacto complainant prays leave of this Court to intervene in this matter.

3. This Court grants permission to the learned counsel to intervene in the present case.



4. The case of the prosecution is that mother of the defacto complainant and the petitioner herein are husband and wife. Due to family dispute, they are living separately and the defacto complainant is staying with her mother. On 23.06.2021, when the mother of the defacto complainant approached the petitioner and asked to pay college fees for the defacto complainant, he shouted and attacked the mother of the defacto complainant. Due to which, she sustained injured. Hence, the defacto complainant had lodged a complaint against her father, before the law enforcing agency.

5. 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. However, the petitioner on his own volition, is ready and willing to pay Rs.1,50,000/- in favour of the defacto complainant towards her college fee.

6. The learned counsel appearing for the intervenor vehemently opposed to grant anticipatory bail to the petitioner.

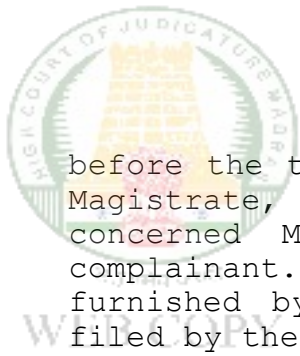
7. The learned Government Advocate (Crl.Side) submits that the injured person has been discharged from the hospital and there is no previous case pending against the petitioner.

8. Considering the fact that the injured has been discharged from the hospital and there is also no previous case against the petitioner and further, the petitioner undertakes to deposit a sum towards his daughter's college fees, this Court is inclined to grant anticipatory bail to the petitioner.

9. 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 receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pollachi, 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)if the petitioner failed to surrender before the concerned Magistrate within a period of four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make Demand Draft for a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) favouring the defacto complainant, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to his defence



before the trial Court and on such deposit being made, the concerned Magistrate, shall disburse the amount to the defacto complainant. The concerned Magistrate shall disburse the amount to the defacto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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;

(h)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 JUDICIAL MAGISTRATE,
NO.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAIMALAI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR.No.6933

CRL OP.11210/2021

Date :30/06/2021

cs 02/08/2021