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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11514 of 2021

Dinakaran

... Petitioner

Vs.

State by Inspector of Police,
Kalavai Police Station,
Ranipet District.
(Crime No.232 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.232 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) IPC r/w Section 4 of Prohibition of Harassment of Women Act in Crime No.232 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a President of Woman Self Help Group at Kalavai and the petitioner's wife is the member of the Self help group. Without the knowledge of the petitioner, the petitioner's wife had availed a loan from the bank through defacto complainant's Woman Self Group. Due to which, the petitioner went to the defacto complainant's house and questioned her about the availing of loan without his consent and quarreled with her, in continuation of the quarrel, he attacked the defacto complainant with hands and pulled her tuft and threatened her with dire consequences. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.



3.The learned counsel appearing for the petitioner submits that the petitioner's wife availed a loan from the bank through the defacto complainant's Woman Self Help Group, since she is the member of the same group, after receipt of amount, the defacto complainant asked commission from her, due to that quarrel arose between them. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there was a wordy quarrel between the petitioner and the defacto complainant, the petitioner attacked the defacto complainant with hands and pulled her tuft and threatened her . Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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 District Magistrate-Cum-Judicial Magistrate, Arcot 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



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

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06/07/2021

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 DISTRICT MAGISTRATE-CUM-JUDICIAL MAGISTRATE,
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KALAVAI POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR NO.7092

CRL OP.11514/2021

Date :06/07/2021

MK:15/07/2021