



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11531 of 2021

1.Kumar
2.Shanmugam
3.Ellammal
4.Vijayasamundi
5.Janaki

... Petitioners

Vs.

The State rep. By
The Inspector of Police,
Mangalam Police Station,
Mangalam,
Tiruvannamalai District.

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.331 of 2021 pending on the file of the respondent.

For Petitioners : Mr.B.Jawahar

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

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii), 307 of I.P.C. r/w Section 4 of TN Prohibition of Harassment of Woman Act, 2002, in Crime No.331 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have attacked the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital and further submitted that petitioners 2 and 3 have already been arrested.

5. In view of the above, this criminal original petition is dismissed as against petitioners 2 and 3. Considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1, 4 and 5.

6. Accordingly, the petitioners 1, 4 and 5 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 Judicial Magistrate Court - II, Tiruvannamalai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 1, 4 and 5 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 1, 4 and 5 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 1, 4 and 5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 1, 4 and 5 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 1, 4 and 5 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.

WEB COPY

-sd/-
28/07/2021

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 JUDICIAL MAGISTRATE-II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
MANGALAM,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11531/2021

Date :28/07/2021

CSK 29/07/2021