

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11539 of 2021

Muhamedmusamil

.. Petitioner

Vs.

State Rep. By
The Inspector of Police,
D-1 Town Police Station,
Chengalpattu.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to release the petitioner on anticipatory bail in the event of arrest in Crime No.162 of 2021 on the file of the respondent.

For Petitioner : Mr.J.P.Rajesh

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 506(2) IPC r/w Section 4 of Prohibition of Harassment of Women Act in Crime No.162 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's friend viz Vinoth and the defacto complainant viz., Vijayalakshmi are practicing Junior Advocates. On 01.04.2021, the defacto complainant had some altercation with the Vinoth and his wife Malardevi, in continuation, the said Vinoth and his wife attacked the defacto complainant, due to which, she had sustained injuries. Subsequently she had lodged a complainant before the respondent police and the respondent police registered a case against three accused along with the petitioner / the 3rd accused herein.

3.The learned counsel for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He has further submitted that the main accused in this case is one Vinoth (A1) and his wife Malardevi(A2). Since the petitioner is happened to be the friend of

Vinoth, the 1st accused, he has been implicated in this case as the 3rd accused who has no connection with the alleged offence. He has further submitted that this Court has already granted bail to the main accused in Crl.OP.No.8437 of 2021 dated 19.05.2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) has submitted that the defacto complainant had some altercation with her colleague Vinoth and his wife Malardevi, in continuation, the said Vinoth and his wife attacked the defacto complainant, due to which, she had sustained injuries. He has further submitted that the co-accused in this case have been granted bail by this Court in Crl.OP.No.8437 of 2021 dated 19.05.2021. He further submitted that the injured has been discharged. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the co-accused were released on bail, 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 Additional Mahila Court, Chengalpattu 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 [(2005) AIR SCW 5560]; and;

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

-sd/-
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 ADDITIONAL MAHILA COURT,
CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
D-1 TOWN POLICE STATION,
CHENGALPATTU.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.P.RAJESH Advocate on payment of necessary charges
SR.NO.7147

CRL OP.11539/2021

Date :06/07/2021

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