



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11833 of 2021

A.Rathinam

... Petitioner

Versus

The State Rep by,
The Inspector of Police,
Ethappur Police Station,
Ethappur,
Salem District.
Crime No.333 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 his arrest in Crime No.333 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.T.Velu

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 494, 294(b), 323, 506(1) of IPC, in Crime No.333 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the petitioner and the defacto complainant, the petitioner got married the defacto complainant in the year 2000 and the out of wedlock two male children were born viz., (1) Rahul Jeyaram, (2) Robin Jeyaram. Further, there was a misunderstanding between them and hence both were living separately, On 14.06.2021, the petitioner had assaulted the defacto complainant and caused injuries to her. Hence, the complaint was registered.



3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is the husband of the defacto complainant and he filed a divorce petition in H.M.O.P.No.361 of 2017 on the file of the Family Court, Same and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the injured person has been discharged from the hospital and there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that the injured person has been discharged from the hospital and there is no previous case pending as against the petitioner, 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 Judicial Magistrate-I, Attur, Salem District, 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 fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) 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.

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

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



(f) 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;

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

-sd/-
09/07/2021

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,
NO.I, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
ETHAPPUR,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.VELU Advocate on payment of necessary charges

CRL OP.11833/2021

Date :09/07/2021

JPA 22/07/2021