



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12997 of 2021

1 R.SARAVANAN
2 THOBIYAS
3 KARTHICK

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KAMMAPURAM POLICE STATION,
CUDDALORE
(CRIME NO.176/2021)

[RESPONDENT]

For Petitioner : M/S R.KRISHNAKUMAR Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 352 & 341 IPC r/w Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, in Crime No.176 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 19.07.2021 at about 12.00p.m., The defacto complainant one A.Arul had borrowed a mortgage loan amount of Rs.2,00,000/- from the petitioners' finance company. To collect the EMIs amount, the petitioners went to the house of the defacto complainant, at that time, the petitioners were alleged to have trespassed, used criminal force by wrongfully restraining and harassed the defacto complainant. Hence, the defacto complainant lodged a complaint against the petitioners before the respondent police.



3.The learned counsel appearing for the petitioners submits in pursuant of the loan matter, there was a wordy quarrel between the defacto complainant and his wife. On the next day, the wife of the defacto complainant had attempted to commit suicide and she was admitted in the hospital. The petitioners are no way connected with the offences alleged against them. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that that there was a money dispute between the petitioners' finance company and the defacto complainant, for which, the present complaint has been filed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering facts and circumstances of the case and there are no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners 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 No.II, Virudhachalam, on condition that each of the petitioners shall execute a separate 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 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 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 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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/-

03/08/2021

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.II, VIRUDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KAMMAPURAM POLICE STATION,
CUDDALORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.KRISHNAKUMAR Advocate on payment of necessary charges SR.No.8082

CRL OP.12997/2021

Date :03/08/2021

APN 11/08/2021