



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.13170 of 2021

Vivek

... Petitioner

Vs.

State by

... Respondent

The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Cr.No.436 of 2021)

PRAYER: Criminal Original petition has been filed under Section 436 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest in connection with in Crime No.436 of 2021 on the file of the respondent police.

For Petitioner : Mr.K. Syed Eliyas

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 448, 352 of I.P.C and u/s 4 of the Tamilnadu Prohibition of Harassment of Women Act, in Crime No.436 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner trespassed into the house of the defacto complainant and abused her with unparliamentary words and harassed her. Hence, the law enforcing registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submits that there was some civil dispute pending between the petitioner and the defacto complainant. Due to which the petitioner attacked and abused the defacto complainant. Hence he opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that there is a civil dispute pending between the petitioner and the defacto complainant, 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 No.II, Nagapattinam, on condition that the petitioner 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 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 petitioners 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;

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

-sd/-
29/07/2021

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.II,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.K.SYED ELIYAS Advocate on payment of necessary
charges

CRL OP.13170/2021

Date :29/07/2021

INBA 05/08/2021