



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.13413 of 2021

1 S.A.VARADARAJ @ ANAI VARADHAN
2 KAMALAKANNAN
3 SELVAMANI,

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANNADHANAPATTY POLICE STATION,
SALEM CITY.
(CR.NO.485/2021)

[RESPONDENT]

For Petitioner : M/S.B.KUMARASAMY Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 325 and 506 (ii) of IPC r/w Section 4 of TNWH Act in Crime No.485 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's family obtained a loan from the Co-operative Society for their house. Due to non- payment of loan amount, the house is taken up for auction. In such a situation, the first petitioner asked the details of auction of the house to the officials of Co-operative Society since he is willing to purchase the defacto complainant's house. It is further alleged that he also threatened the defacto complainant's son. While so, on 10.07.2021 at about 7.40 a.m., a wordy quarrel arose between them and in the said occurrence, the petitioners picked up quarrel with the defacto complainant's son, when the defacto complainant intervened, the petitioners pulled her hair and abused her with filthy language, the second petitioner attacked her with iron rod, the 3rd petitioner fisted on her mouth and caused injuries to her and also threatened her with dire consequences. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there was a counter case also registered and the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to civil dispute between the parties, the occurrence had taken place and the injured was discharged from the hospital and there was a counter case also registered. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the injured was discharged, this Court is 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.IV, Salem 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 petitioners 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/-
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.IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ANNADHANAPATTY POLICE STATION,
SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges SR.NO.8109

CRL OP.13413/2021

Date :03/08/2021

INBA 13/08/2021