



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13614 of 2021

1 V.SIVALINGAM [PETITIONERS / ACCUSED]
2 P.MOHAN
3 C.VIJI
4 S.VENKATESAN
5 V.VENKATESAN@SIVAKUMAR

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
JAMUNAMARATHUR POLICE STATION,
VANDAVASI TALUK,
THIRUVANNAMALALI DISTRICT
(CR NO. 150/2021)

For Petitioner : M/S.S.B.VISWANATHAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 341, 342, 363 and 324 IPC and subsequently altered Section 363 of IPC into 364(A) IPC in Crime No.150 of 2021 seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused had trespassed into the house of the defacto complainant, scolded her in filthy language, assaulted her husband with hands and caused grievous injuries thereafter taken them in a car and left them in a secluded place. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent and they have not committed any offence



as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that due to previous enmity, the petitioners along with other accused had trespassed into the house of the defacto complainant and assaulted and abused her. He would further state that other accused in this case viz. A1, A6, A7 & A8 were arrested by the respondent police. However, he vehemently opposed for grant of anticipatory bail to the petitioners. Injured discharged.

5. Considering the fact that the injured has been discharged from the hospital, 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 *Judicial Magistrate Court, Polur* on condition that the petitioners shall execute a separate 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 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 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/-

12/08/2021

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
JAMUNAMARATHUR POLICE STATION,
VANDAVASI TALUK,
THIRUVANNAMALALI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.8467

CRL OP.13614/2021

Date :12/08/2021

CSK 23/08/2021