



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15109 of 2021

1 CHELLAPPAN PALANIAPPAN

[PETITIONERS / ACCUSED]

2 CHITHRA PALANIAPPAN

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

W/33 MADHAVARAM ALL WOMEN POLICE STATION,

MADHAVARAM, CHENNAI.

(CRIME NO.9 OF 2021)

For Petitioner : M/S. S.MOHANAVADIVELAN Advocate

For Respondent : MR.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 for the alleged offence punishable under Sections 294(b) and 506(ii) of IPC in Crime No.9 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the first petitioner and the defacto complainant. Regarding the same, the first petitioner has come to her house and 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the first petitioner in an earlier occasion filed an anticipatory bail application in Crl.OP.No.4168 of 2021, vide order dated 03.03.2021, this court has issued a direction to the respondent police to complete the enquiry within a period of four weeks. Thereafter, the present case has been registered. He further submits that it is purely matrimonial dispute, the present case has filed. Hence, he vehemently opposed for grant of anticipatory bail to these petitioners.



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5. Considering the fact and circumstances of the case and the submissions made by the both counsel and there is no serious allegations against the petitioners, this court is inclined to grant anticipatory bail to these 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 - II, Ponneri* on condition that each of the petitioners shall execute a separate bonds 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.

-sd/-

24/08/2021

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-II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
W/33 MADHAVARAM ALL WOMEN POLICE STATION,
MADHAVARAM, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. S.MOHANAVADIVELAN Advocate on payment of necessary
charges SR.NO.9005

CRL OP.15109/2021

Date :24/08/2021

CSK 20/09/2021