



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14956 of 2021

SOMASUNDARA

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMILNADU
THROUGH THE,
THE INSPECTOR OF POLICE,
THALAVADY POLICE STATION,
ERODE DISTRICT
CRIME NO.138 OF 2021

[RESPONDENT]

For Petitioner : M/S.DEEPAN UDAY Advocate

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

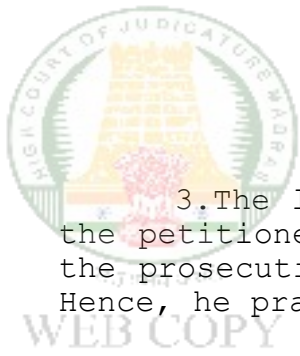
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehend arrest for an alleged offence under Sections 294(b), 353 IPC r/w 4 of Tamil Nadu Prohibition of Women's harassment Act in Crime No.138 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the petitioner went to the Office of the Village Administrative Officer, the defacto complainant who is working as menial did not allow the petitioner to meet the VAO, which resulted in a wordy quarrel between the petitioner and the defacto complainant in which the petitioner used filthy language, abused and threatened the defacto complainant. On the complaint of the defacto complainant, the law enforcing agency registered a case against the petitioner.



3. The learned counsel appearing for the petitioner submits that the petitioner is in no way connected with the offence as alleged by the prosecution and that he has been falsely implicated in the case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submits that this court on earlier occasion directed the concerned Tahsildar to conduct preliminary investigation and to file a report before this court. The report has been filed. He further submits that the petitioner and the defacto complainant belongs to the same community. Due to previous enmity the petitioner used filthy language, abused and threatened the defacto complainant. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considered the facts and circumstances and the submissions made on either side and there seems to be some ill-feelings between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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, Sathyamangalam on condition that the petitioner shall execute a 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 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 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/-
31/08/2021

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,
SATHYAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THALAVADY POLICE STATION,
ERODE DISTRICT

4 THE TAHSILDAR,
THALAVADY, SATHYAMANGALAM,
ERODE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.DEEPAN UDAY Advocate on payment of necessary charges

CRL OP.14956/2021

Date :31/08/2021

JPA 14/09/2021