



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15941 of 2021

1 S.MUNUSAMY [PETITIONERS / ACCUSED]
2 J.APPU @ SELVAKUMAR
3 KUMUTHA

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
AMBATTUR,
THIRUVALUR DISTRICT - 600 062.
CRIME NO.669/2021.

For Petitioner : M/S. K.BALAJI 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), 324 and 506(ii) IPC and 4 of TN PHW Act in Crime No.669 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a family dispute between the defacto complainant's brother and the petitioners. In this connection, the petitioners have assaulted the brother of the defacto complainant and threatened him with dire consequences and also caused injuries to him. 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 wordy quarrel between the 3rd petitioner and her husband viz., Devaraj. In this connection, the 1st and 2nd petitioners along with 3rd petitioner went to the defacto complainant's house for consoling the 3rd petitioner's husband to re-union them. At that time, the defacto complainant's brother who is none other than the husband of the third petitioner has attacked the petitioners. For which, the 3rd petitioner had given a complaint against her husband and others in Crime No.668 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that injured has taken treatment as out patient.

5.Considering the fact that the injured has been taken treatment as out patient and there was case in counter, 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, Sriperumpudur on condition that each of the petitioners shall execute 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 1st and 2nd 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 and the 3rd petitioner shall report before the respondent police as and 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/-

03/09/2021

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,
SRIPERUMPUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
AMBATTUR, THIRUVALLUR DISTRICT - 600 062.

+1 CC to M/S. K.BALAJI Advocate on payment of necessary charges
SR.NO.9587

CRL OP.15941/2021

Date :03/09/2021

RW 23/09/2021