



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16479 of 2021

1 RANI

[PETITIONERS / ACCUSED]

2 MALAR @ MALARKODI

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
AWPS-GINGEE POLICE STATION,
VILLUPURAM.
(CRIME NO.27 OF 2021).

[RESPONDENT]

For Petitioner : M/S. R.THIRUMOORTHY Advocate

For Respondent : M/S. 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 under Sections 294(b), 323, 353 of IPC in Cr.No.27 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that a husband and wife were called for an enquiry, for which the husband came along with the petitioners and attacked the lady and abused her in filthy language in front of the police station. When that was questioned by the defacto complainant, who was a police constable, the petitioners assaulted the defacto complainant. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. Learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl side) submits that the petitioners abused the defacto complainant in filthy language. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that the petitioners are in-laws of the lady and there being no serious allegation against the petitioners, 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 Court, Gingee, on condition that the petitioners shall execute a 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 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/-

09/09/2021

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,
COURT, GINGEE

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS-GINGEE POLICE STATION,
VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.16479/2021

Date :09/09/2021

APN 28/09/2021