



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17302 of 2021

1 R.GOWTHAM
2 BADMAVATHY

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
OOTY TOWN CENTRAL POLICE STATION,
THE NILGIRIS DISTRICT.
CRIME NO.316 OF 2021.

[RESPONDENT]

For Petitioners : M/S. M.GURUPRASAD 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 for the alleged offence under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act in Cr.No.316 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner A1 teased the defacto complainant and asked for her mobile number, for which the defacto complainant refused and walked to her house. Thereafter, the petitioner A1 abused defacto complainant with filthy language and pulled her dress and A1 along with A2 assaulted the defacto complainant using the leather belt due to which the defacto complainant sustained injuries and got admitted in the hospital. 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 been committed any offence as alleged by the prosecution and the relatives of the defacto complainant had stolen the shoes from the petitioner's house and when the petitioners went to ask for the stolen shoes, there arose a wordy quarrel between them and the defacto complainant sustained only simple injuries. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that injured person has been discharged from the hospital.

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 learned Judicial Magistrate / Additional Mahila Court, Udhagamandalam, 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 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/-
20/09/2021

WEB COPY

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
/ADDITIONAL MAHILA COURT, UDHAGAMANDALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THE NILGIRIS [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
OOTY TOWN CENTRAL POLICE STATION,
THE NILGIRIS DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.GURUPRASAD Advocate on payment of necessary charges SR.NO.10395

CRL OP.17302/2021

Date :20/09/2021

JPA 28/09/2021