



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19438 of 2021

1 B.AMBETHKAR
2 SIVABALAN
3 ELUMALAI
4 BALAKRISHNAN
5 AMBETHGARDHASAN
6 A.KARTHIKEYAN
7 SELVAM
8 THAMIZHSELVI
9 KAMALAM

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY ITS
THE SUB-INSPECTOR OF POLICE,
C-2, OLAKKUR POLICE STATION,
(TINDIVANAM CIRCLE INSPECTOR),
TINDIVANAM TALUK,
VILLUPURAM DISTRICT - 604 305.
CRIME NO.466 OF 2021

[RESPONDENT]

For Petitioner : M/S.S.JAGANATHAN Advocate

For Respondent : MR. L.BASKARAN, 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 at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998 in Crime No.466 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that a wordy quarrel arose between the parties while the petitioners were canvassing for the recent local body election and as a consequence, the petitioners herein are alleged to have attacked the defacto complainant. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that the victim has been discharged from the hospital. The learned counsel for the petitioner has filed a memo indicating that Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998 has not been included in the petition and that the same has to be included.

4.The said memo is recorded.

5.The learned Government Advocate (Crl.Side) submits that the victim has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are 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 I, Tindivanam, Villupuram District 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 investigation;

(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.

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-sd/-
12/10/2021

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-I,
TINDIVANAM, VILUPPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILUPPURAM DISTRICT (FOR INFORMATION) .

3 THE SUB-INSPECTOR OF POLICE,
C-2, OLAKKUR POLICE STATION,
(TINDIVANAM CIRCLE INSPECTOR) ,
TINDIVANAM TALUK,
VILLUPURAM DISTRICT - 604 305.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.S.JAGANATHAN Advocate on payment of necessary
charges SR.NO.11443

CRL OP.19438/2021

Date :12/10/2021

INBA-18/10/2021