



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon'ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19431 of 2021

1 KUMAR
2 NIRMALA

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT.
CR.NO.537/2021.

[RESPONDENT]

For Petitioner : M/S. T.R.RAVI Advocate

For Respondent : Mr.L.BASKARAN, Government 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 punishable u/s. 294(b), 323, 324 and 506(ii) of IPC in Crime No.537 of 2021 seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, there was a wordy quarrel between the petitioner and the defacto complainant, thereby the 1st petitioner / husband attacked the defacto complainant with a wooden stick, the 2nd petitioner who is the sister of the 1st petitioner had attacked the defacto complainant with hands. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioner has not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the 1st petitioner is the husband and the defacto complainant is the wife, they are living separately. Due to family dispute, the 1st petitioner attacked the defacto complainant



with the wooden stick, thereby the defacto complainant sustained injuries on her hand. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case and also 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, Omalur, Salem 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 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 1st petitioner shall report before the respondent daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation. The 2nd petitioner shall report before the Investigating Officer 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 petitioner 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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. T.R.RAVI Advocate on payment of necessary charges
SR.NO.11420

CRL OP.19431/2021

Date :12/10/2021

TA-18/10/2021