



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20252 of 2021

Dharmaraja @ Sathiyaraj

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Kottur Police Station,
Tiruvarur District.
(Crime No.681 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Crime No.681 of 2021 pending investigation on the file of respondent police.

For Petitioner : Mr.D.Lakshmipathy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 27.09.2021 and remanded to judicial custody for the offences under Sections 294(b), 452, 506(ii) and 307 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.681 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the the petitioner and the defacto complainant's husband are friends and they are load mans. On 11.09.2021, the petitioner came to the defacto complainant's house and abused her with filthy language and tightened her neck by using towel and threatened her with dire consequences and also caused injuries to her. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he is no way connected with the alleged offences and he has been falsely implicated in this case. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the defacto complainant/victim has been discharged from the hospital.



5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that the defacto complainant/victim has been discharged from the hospital and further considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Mannargudi** and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner 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.

-sd/-
29/10/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.II, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

CC to M/S. D.LAKSHMIPATHY Advocate on payment of necessary
charges

CRL OP.20252/2021

Date :29/10/2021

TA-01/11/2021