



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20255 of 2021

RAMESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ETHAPUR POLICE STATION,
SALEM DISTRICT.
CRIME NO.492 OF 2021

[RESPONDENT]

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 323, 324, 354, 506(i) of IPC in Cr.No.492 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the petitioner and the defacto complainant on 14.10.2021 and there was a misunderstanding arose between them, they lived separately. It is further alleged that the petitioner and the defacto complainant went to his relatives house and there, the petitioner picked up a quarrel with the defacto complainant and beaten her in the presence of his relative and hence she left the house and went to her parents house and preferred a complaint before the respondent police against the petitioner.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He always ready to live with her and pray for mediation. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that due to the harassment made by the petitioner and also threatened her to leave the matrimonial home. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. In view of the facts and considering the nature of the family issue between the parties, this Court referred the matter to Mediation and Conciliation Centre, Salem or Legal Service Authority, Salem.

6. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 No.1, Attur on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

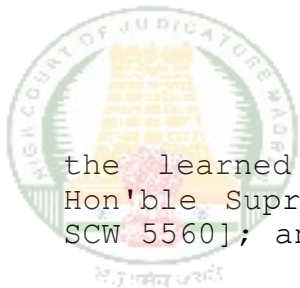
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and required for interrogation;

(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 anticipatory 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/-

12/11/2021

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,
NO.I, ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

COPY TO

1 THE OFFICER INCHARGE,
THE MEDIATION AND CONCILIATION CENTRE,
SALEM.

2 THE OFFICER INCHARGE,
LEGAL SERVICES AUTHORITY, SALEM.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.12731

CRL OP.20255/2021

Date :12/11/2021

RW 19/11/2021