



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20783 of 2021

1 AMALANATHAN [PETITIONERS / ACCUSED]
2 ROSALIMARY
3 LASERKENNADY AROKIYASAMY
4 AROKIYAMARY

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
UDAYARPALAYAM POLICE STATION,
ARIYALUR DISTRICT
(CRIME NO.451 OF 2021)

For Petitioners : M/S P.PARTHIKANNAN 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 Section 4 of Tamil Nadu Prohibition of Women Harassment Act 2002 and Sec 294(b), 323, 324 of Indian Penal Code, 1860 in Cr.No.451 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the own brother of first petitioner. The petitioners and defacto complainant's family were all residing at the same house and there was civil dispute between the petitioners and the defacto complainant in which the petitioners assaulted the wife of defacto complainant and in the said attack the defacto complainant's wife sustained injuries. Thereby, 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 defacto complainant's wife had 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 and there are no previous cases pending against the petitioners.

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 II, Jayankondam, Ariyalur 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 first and third 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 and the second and fourth petitioners shall appear before the respondent police 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

WEB COPY

-sd/-
02/11/2021

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.II, JAYANKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
UDAYARPALAYAM POLICE STATION,
ARIYALUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S P.PARTHIKANNAN Advocate on payment of necessary charges SR.NO.12533

CRL OP.20783/2021

Date :02/11/2021

JPA 16/11/2021