



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20949 of 2021

D.VENKATESAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU DISTRICT
(CRIME NO.878 OF 2021)

[RESPONDENT]

For Petitioner : M/S.ARUN G Advocate

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

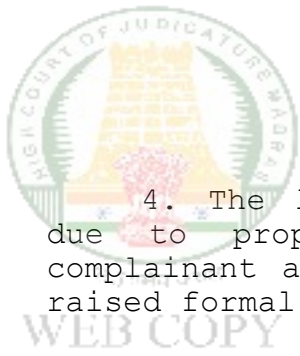
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447, 324 and 506(2) of IPC & 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.878 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioner and other accused persons abused and assaulted the defacto complainant with hands. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to Civil dispute the petitioner already gave complaint against the de-facto complainant and having kept in mind the de-facto complainant gave a false complaint against the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that due to property dispute the petitioner attacked the defacto complainant and a case in counter also filed against him. Hence, he raised formal objection to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering the fact that already there was a dispute with regard to the partition of property between them. On considering the Civil in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Chengalpattu, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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., for a period of two weeks and thereafter as and when 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 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
08/11/2021

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, CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU DISTRICT .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.ARUN G Advocate on payment of necessary charges
SR.NO.12501

CRL OP.20949/2021

Date :08/11/2021

JPA 11/11/2021