



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

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PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI
CRIMINAL ORIGINAL PETITION No.20906 of 2021

1 BHARATHI
2 MANIKANDAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
R.K.PET POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.606/2021.

[RESPONDENT]

For Petitioner : M/S.G.P.SIVAKUMAR Advocate

For Respondent : MR.GOKULAKRISHNAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.606 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 27.10.2021, there was a pathway dispute between the petitioners and the defacto complainant during which, the petitioners abused and attacked the defacto complainant with hands. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that a false case has been foisted against them due to previous enmity. He would further submit that there is a case in counter in Crime No.605 of 2021 against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor raised formal objection and would submit that the petitioners are arrayed as A1 and A2 and no one was injured during the occurrence.

5.Considering the facts and circumstances of the case and the fact that no one was injured during the incident and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 District Munsif cum Judicial Magistrate, Pallipattu, on condition that the petitioners shall execute a separate 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 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 1st petitioner shall appear before the respondent police as and when required for interrogation.

The 2nd petitioner shall appear 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 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.

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-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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PALLIPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
R.K.PET POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR.NO. 12511

CRL OP.20906/2021

Date :08/11/2021

INBA-16/11/2021