



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21138 of 2021

1 KAMALAKANNAN
2 POOJAVATHI
3 JAYARAMAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SIVA KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.1794 OF 2021.

[RESPONDENT]

For Petitioner : M/S. E.KANNADASAN, Advocate for
M/S.M. MACHAVATHARAN Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences Under Sections 294(b), 323, 324, 506(ii) of I.P.C r/w. section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.1794 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that there was a family dispute between A1 and his wife. It is alleged that on receipt of intimation, the defacto complainant and his family members went to his house for compromising them. Thereby arose a quarrel between them and attacked each other. Hence the defacto complainant lodged a complaint before the Law Enforcing Agency.



3.The learned counsel appearing for the petitioners submits that the petitioners are no way connected with the occurrence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that A1 enlarged on bail in CrI.M.P.No.2990 of 2021 dated 01.11.2021 before the Learned Judicial Magistrate, No.I, Kancheepuram. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the injured person discharged from the hospital. However, he opposed grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering that the injured person discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners is 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 J.M.No.I, Kancheepuram on condition that the petitioners 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 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 petitioners shall appear before the respondent Police Station as and when 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/-

10/11/2021

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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SIVA KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M. MACHAVATHARAN Advocate on payment of necessary charges SR.NO.12605

CRL OP.21138/2021

Date :10/11/2021

RW 18/11/2021