



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Eleventh day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21223 of 2021

DINESH @ DINESHKUMAR

[ PETITIONER / ACCUSED ]

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
MADUKKARAI POLICE STATION,  
COIMBATORE DISTRICT.  
CR.NO.557 OF 2021.

[ RESPONDENT ]

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate ( CrI. 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 147, 294(b), 323, 506(ii) of IPC & 4 of Women Harassment Act in Cr.No.557 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons in drunken mode came to the defacto complainant and when the same was questioned by the defacto complainant, there arose wordy quarrel between them thereafter, the petitioner and other accused persons went to the house of defacto complainant and abused him in filthy language and also attacked him and his friend's mother. Hence, the defacto complainant lodged a complaint 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. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate submits that due to previous enmity, the petitioner along with other accused persons in drunken mode came to the house of defacto complainant and abused and also attacked him and his friend's mother. He further submits that there is no previous case pending against the petitioner. However, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that there is no previous case pending against the petitioner, 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, Madukkarai 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 on every Friday at 10.30 a.m. for a period of four 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 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.

WEB COPY

-sd/-

11/11/2021

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,  
MADUKKARAI

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
MADUKKARAI POLICE STATION,  
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.12640

CRL OP.21223/2021

Date :11/11/2021

APN 18/11/2021