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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21941 of 2021

1.Bhaskar
2.Jeyakodi
3.Kalyani
4.Ranganathan

... Petitioners

Vs.

State Rep. by Inspector of Police,
All Women Police Station,
Ariyalur
Cr.No.40 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.40 of 2021 pending investigation on the file of the respondent.

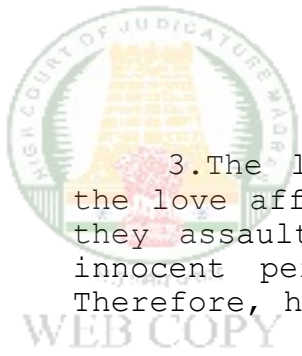
For Petitioners : Mr.M.Velmurugan

For Respondent : Mr.N.S.Suganthan
Government Advocate
(Cr1. Side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 354, 354 (D) (ii), 506 (i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.40 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to love affair between the accused No.1 viz., Tamilselvan and the defacto complainant, the petitioner abused the defacto complainant in filthy language, assaulted her, threatened her with dire consequences and harassed her. Hence, the complaint. petitioners assaulted the defacto Complainant. Hence, the complaint.



3.The learned counsel for the petitioners submits that due to the love affairs between the defacto complainant and Tamilselvan/A-1, they assaulted each other. He Further submits that petitioner are innocent persons and they were falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the A1 already arrested and the investigation was almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioners on 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 Judicial Magistrate No.1, Ariyalur, on condition that each of the petitioners shall execute separate bonds 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 Magistrate / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police on every Sunday at 10.30 a.m. for a period of four 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/-
22/11/2021

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, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.VELMURUGAN Advocate on payment of necessary charges

CRL OP.21941/2021

Date :22/11/2021

CSK 29/11/2021