



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

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

Cr1.O.P.No.22145 of 2021

Thennarasu

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Melpatti Police Station,
Vellore District.
Crime No.177 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.177 of 2021 on the file of the respondent.

For Petitioner : Mr.T.Murugnatham

For Respondent : Mr.N.S.Suganthan

Government Advocate (Cr1. Side)

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 294(b), 323, 324, and 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.177 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner bought the cracker in defacto complainant shop and same was not burst. Hence petitioner and his brother asked the petitioner to take back the balance crackers and gave money, but, he refused, due to which the wordy quarrel aroused between them and petitioner assaulted the defacto complainant and caused injuries to him. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is a sole breadwinner of the family. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) submits that no one sustained any injury and investigation almost completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner .

5. Considering the facts and circumstances of the case and also considering the fact that the no one sustained any injury and investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Gudiyatham, on condition that the petitioner shall execute a bonds 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 is directed to report before the respondent police on every Wednesday 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 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.

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-sd/-
23/11/2021

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,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MELPATTI POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to T.MURUGANANTHAM Advocate on payment of necessary charges
SR.NO.13301

CRL OP.22145/2021

Date :23/11/2021

JPA 01/12/2021