



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22595 of 2021

1.S.Elaiyamaran
2.S.Sugasini

... Petitioners

Versus

State represented by
The Inspector of Police,
Ambattur Police Station,
Chennai District.
(Crime No.1016 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.1016 of 2021 on the respondent police.

For Petitioners: Mr.G.Punniakoti

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324, 379 and 506(ii) IPC r/w Section 4 of Women Harassment Act of IPC in Crime No.1016 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to the family dispute arosed wordy quarrel defacto complainant and the petitioners. The petitioners are no way connected with the offence and falsely implicated in this case. Hence this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that already the divorce petition is pending between the husband the defacto complainant, but two children are under the case of the defacto complainant, who is no source of income. He further submitted that already he is paying Rs.2000/- as the maintenance of the family expenses and he ready to pay Rs.6000/- for maintenance. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is some wordy quarrel between the defacto complainant and the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case, 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 before the learned Judicial Magistrate, Ambattur 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the husband of the defacto complainant is directed to deposit a sum of Rs.6,000/- (Rupees Six Thousand only) as maintenance to the credit of Usha Rani, Indian Bank, Thiruninravur, Account No.609433999, IFSC: IDIB0007018 on every First week of English Calendar from the date of receipt of a copy of this order and shall produce the said receipt before the Court below until any modification of the concerned Court, failing which the order will be cancelled and the copies send to the defacto complainant;

[b] the petitioners 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.

[c] the petitioners are directed to report before the respondent police as and when requires for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

06/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
AMBATTUR POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INDIAN BANK, THIRUNINRAVUR,
ACCOUNT NO.609433999, IFSC: IDIB0007018
(USHA RANI)

COPY TO:

-DO-THRO POLICE STATION (USHA RANI, DEFACTO COMPLAINANT)
INSPECTOR OF POLICE, AMBATTUR POLICE STATION,
CHENNAI DISTRICT.

CC to M/S G.PUNNIAKOTI Advocate on payment of necessary charges
Sr.14298

CRL OP.22595/2021

Date :06/12/2021

RVR 15/12/2021