



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

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CORAM:

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

Crl.O.P.No.22742 of 2021

1. A.Nethaji .. Petitioners
2. V.Sathish @ Sathishkumar
3. E.Lakshmanan
4. M.Prabakaran @ Kutty

Vs.

State rep by ...Respondent
Inspector of Police,
Marakkanam Police Station,
Marakkanam Taluk,
Villupuram District.
(Crime No.356 of 2021)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners herein on bail in the event of their arrest at the hands of the respondent police in Crime No.356 of 2021.

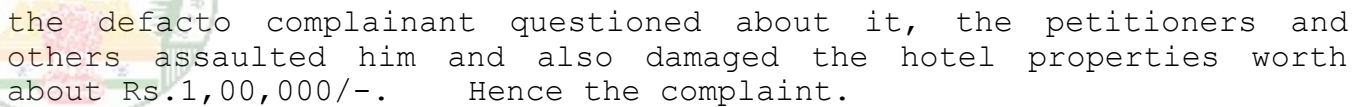
For Petitioners : Mr.C.Tamilselvan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 336, 354-B, 506(2), r/w Section 4 of Women Harassment Act, r/w Section 3 of TNPPDL Act in Crime No.356 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 09.10.2021 at about 2.35 p.m, the petitioners along with other accused persons went to the Hotel in which the defacto complainant is working as a Manager, the petitioners along with others tried to misbehave and used obscene words against the women employee, who were working in the hotel. When



4. The learned Government Advocate (CrI.Side) opposed for granting anticipatory bail by stating that the petitioners along with others tried to misbehave and used obscene words against the women employee, who were working in the hotel. When the defacto complainant questioned about it, the petitioners and others assaulted him and also damaged the hotel properties worth about Rs.1,00,000/-.

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-II, Tindivanam** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the petitioners shall make a non-refundable deposit of **Rs.20,000/- [(Rs.5,000/- each) (Rupees Twenty thousand only)]** to the credit of "**The Chief Educational Officer, Villupuram District,** for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment



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without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioners ;

[c] 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.

[d] the petitioners are directed to report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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]**;

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

7. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

29/11/2021

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.II, TINDIVANAM, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARAKKANAM POLICE STATION,
MARRAKKANAM TALUK,
VILLUPURAM DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT.

+1 CC to M/S. G.TAMILSELVAN Advocate on payment of necessary
charges SR.NO.13657

CRL OP.22742/2021

Date :29/11/2021

TA-06/12/2021