



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23521 of 2021

1.K.Ganesh  
2.Selvaraj @ Thirumalaisamy ... Petitioners

Versus

State Rep by  
Inspector of Police,  
Alangiyam Police Station,  
Tiruppur District.  
(Crime No.633 of 2021) ... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.633 of 2021 pending investigation on the file of the respondent police.

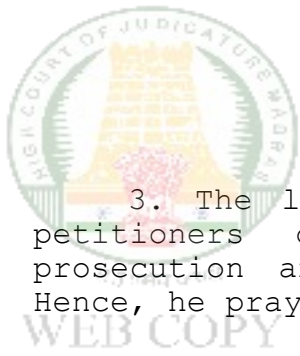
For Petitioners : Mr.M.Guruprasad

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

ORDER

The petitioners , who apprehend arrest at the hands of the respondent police for the alleged offences under section 294(b), 323 and 506(i) of I.P.C and section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.633 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioners came to the victim's house and abused her husband in filthy language. It is further alleged that A1 assaulted the defacto complainant's husband and thereby he sustained injuries. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3. The learned counsel for the petitioners submits that the petitioners did not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners .

4. The learned Additional Public Prosecutor submits that injured person discharged from the hospital. He further submits that investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioners .

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners .

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Dharapuram 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 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.

[b] the petitioners is directed to report before the respondent police on every Wednesday at 10.30.a.m. until further orders ;

[c] the petitioners shall not tamper with the 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].



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

WEB COPY

-sd/-  
07/12/2021

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,  
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
ALANGIYAM POLICE STATION,  
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.NO.14338

CRL OP.23521/2021

Date :07/12/2021

JPA 14/12/2021