



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

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

Cr1.O.P.No.23965 of 2021

Ganesan @ Nari Ganesan

.. Petitioner

Vs.

State rep by
The Inspector of Police,
Tharamangalam Police Station,
Salem District.
Crime No.621 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioner on bail in the event of his arrest in crime No. 621 of 2021 on the file of the respondent police.

For Petitioners: Mr.A.M.Esakkiappan

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

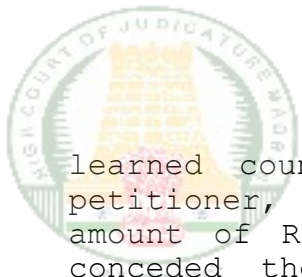
For Intervener: Mr.V.Elangovan

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 427, and 506 (i) of IPC in Crime No.621 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had renewed her own house and left to her old house and on next day, she came to her house, it was damaged by the petitioner and he abused her with filthy languages. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. The



learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.10,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,000/- will be returned to him. He prays for grant of anticipatory bail to the petitioner.

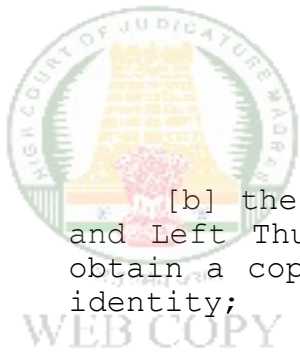
4.The learned Government Advocate (Crl side) submits that the injured has been discharged from the hospital. He further submits that the investigation is almost completed. However, he vehemently opposed for granting anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor/defacto complainant submitted that the petitioner had damaged the house of the defacto complainant and abused her in filthy language and threatened her. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6.Considering the fact that the injured has been discharged from the hospital and the investigation was almost completed and also considering the fact that the petitioner is ready to deposit the amount of Rs.10,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

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, Omalur, on condition that the petitioner 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 petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand Only) to the credit of Cr.No.621 of 2021 before the learned Judicial Magistrate, Omalur, within a period of two weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate, Omalur, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,000/- deposited by the petitioner to the credit of Cr.No.621 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;



[b] 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;

[c] the petitioner shall not interfere the enjoyment of the ownership of the defacto complainant property until modified by the Court below and directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner in accordance with law as if the conditions has 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];

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

-sd/-
10/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

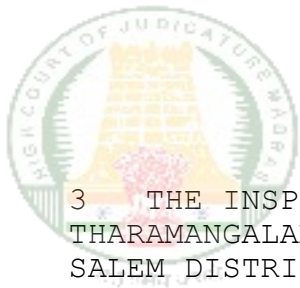
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.M.ESAKKIAPPAN Advocate on payment of necessary
charges SR.NO.14532

+1 CC to Mr.V.Elangovan Advocate on payment of necessary charges
SR.NO.14580

CRL OP.23965/2021

Date :10/12/2021

RW 16/12/2021