



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.25427 of 2021

1 NARAYANASWAMY

[PETITIONERS / ACCUSED]

2 VIGNESH @ GOPI GOPINATH

3 PRABHAKARAN

4 PRAVEEN KUMAR

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
D2, CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU AND DISTRICT
CRIME NO.709 OF 2021

For Petitioners : M/S. R.VIJAYAKUMAR Advocate

For Respondent : MR.S.BALAJI, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 447, 294(b), 323, 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Cr.No.709 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the father - in - law of the defacto complainant, petitioners 2 and 3 are the sons of the first petitioner and the fourth petitioner is their relative. The petitioners are alleged to have developed wordy quarrel with the defacto complainant, kicked the defacto complainant and his mother and threatened them with dire consequences.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the earlier petition seeking anticipatory bail filed by the petitioners was dismissed on the ground that the petitioners kicked the defacto complainant, however, no such incident happened and the fact remains that the defacto complainant had illegal intimacy with one Jeyanthi, for which, the said Jeyanthi had lodged a complaint and a case has been registered as against the defacto complainant and the said fact was not brought to the notice of this Court.

4.The learned Government Advocate (Criminal Side) submitted that a criminal case has been registered as against the defacto complainant based on the complaint lodged by one Jeyanthi and the same is pending and would further submit that the investigation in this case is still pending.

5.Considering the facts and circumstances of the case and in view of the change in circumstances, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Chengalpattu, on condition that the petitioners shall execute a bond 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(c)the petitioners shall not tamper with 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/12/2021

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,
NO.I, CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
D2, CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU, KANCHEEPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.15506

CRL OP.25427/2021

Date :23/12/2021

JPA 03/01/2022