



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

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CORAM:

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

Cr1.O.P.No.25836 of 2021

Kaliyamoorthy

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Keezhaiyur Police Station,
Nagapattinam District.
(Crime No.506 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.506 of 2021, on the file of the respondent Police.

For Petitioner : Mr.N.Palanivel

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 294(b), 448, 323 and 506(ii), 379 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Cr.No.506 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The defacto complainant is wife of the petitioner's brother. The case of the prosecution is that the petitioner trespassed into the defacto complainant's house and picked up quarrel with her, abused and snatched her Mangala Sutra. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that it is only a dispute among the family members and the defacto complainant is none other than the brother's wife of the petitioner. The allegation is that on the date of occurrence, he is said to have



snatched away her Thali chain and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor submits that the Thali chain is yet to be recovered and the investigation is almost completed.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate Court No.II, Nagapattinam**, 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 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 petitioner shall report before the respondent police on every Tuesday at 10 a.m., for a period of four weeks and thereafter as and when required for an interrogation;**

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]***; and;



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

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-sd/-
19/01/2022

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,
NO.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KEEZHAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S N.PALANIVEL Advocate on payment of necessary charges SR.NO.727

CRL OP.25836/2021

Date :19/01/2022

TA-21/01/2022