



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM :

THE HON'BLE MR. JUSTICE B. PUGALENDHI

CrI.O.P.No.25871 of 2021

Pachiyappan

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Nangavalli Police Station,
Salem District.
Crime No.401/2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, 1973, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 401 of 2021 on the file of the Inspector of Police, Nangavalli Police Station, Salem District.

For Petitioner : M/s.M.Senthilkumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 294(b), 355 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Cr.No.401 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence the petitioner/A1 and others accused abused the de-facto complainant in filthy language and attacked her with hands and footwear. Hence, one Anandhajothe has given a complaint on 20.12.2021.

3. The learned counsel for the petitioner submits that the de-facto complainant's daughter Rajeshwari had illegal intimacy with one Manikandan, who is the son-in-law of A1 and the same was questioned by A1 and others and therefore, the case has been foisted against him.



4.The learned Additional Public Prosecutor submits that totally 5 accused persons in this case and this petitioner is A4 and the allegations as against the petitioner is that he along with other accused assaulted the de-facto complainant with footwear. Due to which, the de-facto complainant has suffered simple injuries and she has been discharged from the hospital. She opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Mettur, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c]the petitioner shall not tamper with the 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 have been imposed and the petitioner is 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 229-A IPC.

-sd/-

29/12/2021

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, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary
charges SR.NO.15654

CRL OP.25871/2021

Date :29/12/2021

RVR 30/12/2021