



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P.No.25899 of 2021

S.Raja

...Petitioner

Versus

State represented by
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram District.
(Crime No.1686 of 2021)

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest in the hands of Respondent in Cr.No.1686 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 248, 323, 294(B) and 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.1686 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, the petitioner said to have assaulted him and also threatened him. In the said circumstances, the criminal case has been registered against the petitioner. Now apprehending arrest, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the real fact is that one Manimaran along with 7 others came to petitioner's house and assaulted his wife and his mother. Thereafter, the petitioner lodged a complaint in Crime NO.1685 of



2021 and as a counterblast, the present complaint has been filed. He would submit that he is an innocent person and he is no way connected with the offence. He would also submit that he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the victim is grandmother of defacto complainant. He would submit that this is a case in counter and due to a wordy quarrel, the petitioner has assaulted the defacto complainant, thereby, he has caused simple injury. He would submit that injured discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the fact that on the date of occurrence, due to a wordy quarrel between the parties, the petitioner said to have assaulted the defacto complainant, the injured person discharged from the hospital and no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, this 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 Court No.I, Kanchipuram** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties 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. for the period of three weeks.

[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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3, KANCHI TALUK POLICE STATION,
KANCHIPURAM DISTRICT.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary charges SR.NO.15630

CRL OP.25899/2021

Date :29/12/2021

TA-05/01/2022