



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM :

THE HON'BLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P.No.25906 of 2021

Muthukumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Erode North Police Station,
Erode District.
(Cr.No.553 of 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.553 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.C.S.Saravanan.

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 324, 379 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.553 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the father of the victim and husband of the victim died before 3 months. Hence, the victim is living with her father and already there is a property dispute between the victim and her father-in-law. The victim is running a mutton shop and on the date of occurrence, A1 along with 9 members came to their shop and attacked and ransacked the shop and caused simple injury to the de-facto complainant and took away Rs.50,000/- cash. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that he is innocent and he did not commit any offence as alleged by the prosecution. The petitioner had purchased the property from the victim's father-in-law. There was a property dispute between them and due to which, the de-facto complainant had given a false complaint.

4.The learned Additional Public Prosecutor submits that 9 persons have entered into the shop of the de-facto complainant in night hours and also misbehaved with the de-facto complainant. She opposed to grant anticipatory bail to the petitioner.

5.On a perusal of the First Information Report, it is seen that A1 is the father-in-law of the victim and the victim's husband died 3 years back and it appears that there are some issues with the victim and the de-facto complainant. The allegation is that on the date of occurrence 9 persons have entered into the shop of the de-facto complainant and created some problem. The name of the petitioner is not mentioned in the complaint. There is no specific overtact attributed as against any of the accused.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.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, Additional Mahila Court, Erode, 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,
ADDITIONAL MAHILA COURT, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.15697

CRL OP.25906/2021

Date :29/12/2021

JPA 03/01/2022