



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11767 of 2021

Akash @ Venkat

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.786 of 2021)

... Respondent/Complainant

For Petitioner : Mr.G.Karnan,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

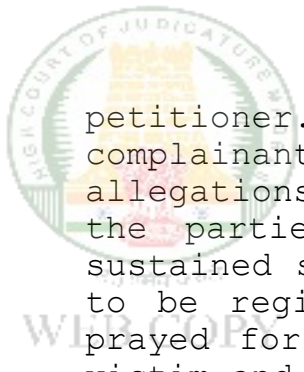
PRAYER :-For Bail in Crime No.786 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 28.07.2021 for the offence punishable under Sections 452, 294(b), 324 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.786 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant and the petitioner are neighbours and both of them fell in love with each other. On knowing the fact, the parents of the de-facto complainant got her married to some other person and out of the wedlock, she also gave birth to a male child. While so, the petitioner made certain false allegations against the de-facto complainant to her husband that she had illegal relationship with some other persons. When the same was questioned by the de-facto complainant, he pushed her down and also attacked her with a knife. The petitioner also caused injury to the defacto complainant's child, a three-months-old child, Hence, the complaint.

3.The learned counsel for the petitioner submitted that the de-facto complainant has made certain bald allegations against the



petitioner. The petitioner went to the house of the de-facto complainant and questioned her as to how she can make bald allegations against him. At that time, there was a scuffle between the parties, in which, the de-facto complainant and her child sustained some simple injury. Due to that incident, this case came to be registered with false and exaggerated facts. Therefore, he prayed for grant of bail. He also produced the photograph of the victim and the child.

4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submitted that the injured has been discharged from the hospital.

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

6.Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing 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 learned Judicial Magistrate, Orathanadu, Thanjavur District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Tambaram and report before the Tambaram Police Station daily at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 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 229A IPC.

sd/-
19/08/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION, TAMBARAM,
CHENNAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11767 of 2021
Date :19/08/2021

SJI
MK/VR/SAR.III/19.08.2021/3P/7C