



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.706 of 2022

1.Thangavel
2.Uma @ Umadevi
3.Vellaiyammal
4.Suresh @ Sureshkumar
5.Palaniammal

... Petitioners

Vs.

State represented by its
The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
Crime No.267 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.267 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Senthilkumar

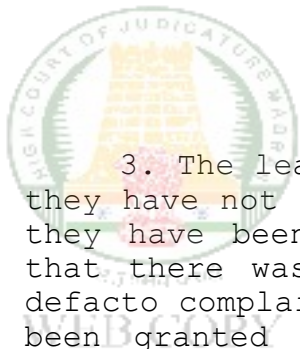
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.267 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that was a quarrel between the petitioners and the defacto complainant, due to which, they abused the defacto complainant with a filthy language and attacked the defacto complainant with wooden stick and iron rod and thereby she sustained injury. Hence, the complaint.



3. The learned counsel appearing for the petitioners submits that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there was only family dispute between the petitioners and the defacto complainant. Moreover, the co-accused, one Palanisamy (A5) has been granted bail in C.M.P.No.6801 of 2021 on 22.12.2021 by the learned Judicial Magistrate No.II, Mettur, Salem District. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the defacto complainant injured had sustained head injuries and taken treatment. Now the victim has been discharged from hospital. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 No.II, Mettur, Salem, on condition that the petitioners 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 and on further condition that:

[a] the petitioners 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 petitioners 1 and 4 shall report before the respondent police on every Saturday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation and the petitioners 2, 3 and 5 shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
12/01/2022

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.II, METTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KARUMALAIKODAL POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary charges SR.NO.655

CRL OP.706/2022

Date :12/01/2022

JPA 20/01/2022