



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

CrI.O.P.No.1867 of 2022

S.Johny

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Pathirivedu Police Station,
Thiruvallur District.
(Crime No. 455 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation, in Crime No. 455 of 2021 on the file of the Respondent police.

For Petitioner : M/s.M.D.Ilayaraja

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.12.2021 for the offences under Sections 294(b), 448, 449, 323, 324, 354, 427, 506(II) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 1998, in Crime No.455 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.12.2021, due to previous enmity, the petitioner trespassed into the house of the defacto complainant, abused, attacked and outraged her modesty and also threatened her with dire consequences. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him as there is already a civil dispute between them and that the petitioner has been suffering incarceration for more than 40 days from 19.12.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner misbehaved with the defacto complainant who is a pregnant lady and abused and attacked her with wooden log and also damaged the household articles but admits that the injured has been discharged from the hospital and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.455 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned District Munsif cum Judicial Magistrate, Gummidipoondi, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders.

(e) the defacto complainant is permitted to withdraw the deposit amount of Rs.10,000/- (Rupees Ten Thousand Only) on proper identification and acknowledgement.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

28/01/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
PATHIRIVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.M.D.ILAYARAJA Advocate on payment of necessary charges SR.NO.1384

CRL OP.1867/2022

Date :28/01/2022

INBA~31/01/2022