



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Crl.O.P.No.1804 of 2022

1. Nallappan
2. Deva
3. Prakash
4. Suresh

... Petitioners

Vs.

State: rep by
The Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No.529 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.529 of 2021 on the file of Inspector of Police, Karuppur Police Station, Salem District.

For Petitioners : Mr.B.Vasudevan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(ii) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.529 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 25.01.2021 there was a wordy quarrel between the defacto complainant's son and first petitioner with regard to the sharing the salary, due to that motive, on 27.12.2021 at about 9p.m., the petitioners went to the defacto complainant's and asked her about her son and directed her to send him out of the house and the first petitioner scolded her in filthy language, assaulted on her cheek and the other petitioners beat her by using hands and legs and thereafter, the petitioners threatened to do away the life of the defacto complainant and also caused injuries on her. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the names of the petitioners 2 to 4 are not find place in FIR, but the respondent police is searching the petitioners to arrest. However, on instructions, he submits that the petitioners without prejudice to their rights, on their own volition, are ready to deposit a sum of Rs.10,000/- to the credit of Crime No.529 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the defacto complainant's one tooth was broken and investigation was almost completed.

5. Considering the submissions made by both counsel and also considering that the investigation was almost completed and also the fact that the petitioners are ready to deposit a sum of Rs.10,000/- to the credit of Crime No.529 of 2021, this Court is inclined to grant anticipatory bail to the petitioners.

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.2, Salem on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 are directed to deposit a sum of Rs.10,000/- [Rupees Ten thousand only) to the credit of Crime No.529 of 2021 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and acknowledgment;

[b] 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;

[c] the petitioners shall report before the respondent police on every Thursday at 10.30a.m for a period of four weeks and thereafter as and when required for an interrogation;



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

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 are 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;

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

-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 JUDICIAL MAGISTRATE,
NO.II, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges
Sr.1378

CRL OP.1804/2022

Date :28/01/2022

RVR 03/02/2022