



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3159 of 2022

1.RAMKUMAR [PETITIONERS / ACCUSED]
2.RAMESH
3.GANESH @ GANESHKUMAR

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO. 56/2022)

For Petitioner : M/S.S.SASIKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 448, 352 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in crime No.56 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on the occurrence day, at about 11.30 a.m., the petitioners entered the house of the defacto complainant and assaulted her, thereby she fell down. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submit the petitioners also gave a complaint, which was registered by the respondent police in Crime No.55 of 2022. Hence, he prays for grant of anticipatory bail to the petitioners.



4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is pending. However he admits that the injured was treated as out patient. He further submit that there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. The submissions made by the learned counsel on either side are considered.

6.The respondent police registered a case against the petitioners for the offences punishable under Sections 294(b), 448, 352 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002. The submissions made by the learned Government Advocate (crl.side) reveal the fact that the injured was treated only as out patient. Therefore, considering the fact that the offence committed by the petitioners are not severe and that the petitioners are the first offenders, the custodial interrogation of the petitioners may not be necessary for completing investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nannilam on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and the sureties shall affix his 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 shall report before the respondent police daily at 10.00 a.m. for a period of 20 days and thereafter, as and when required for investigation.

(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 have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/02/2022

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,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SASIKUMAR Advocate on payment of necessary
charges SR.No.2516

CRL OP.3159/2022

Date :17/02/2022

CSK 22/02/2022