



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3223 of 2022

1 ARUMUGAM

[PETITIONERS / ACCUSED]

2 GOKUL

3 CHINNARAJU

Vs

THE STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE,
T-14, MANGADU POLICE STATION,
CHENNAI
CRIME NO.43 OF 2022

[RESPONDENT]

For Petitioner : S.N.SUBRAMANI Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (CrI. 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), 323 and 506(II) of I.P.C. r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act in Crime No.43 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the husband of the defacto complainant created a forged legal heir certificate without including petitioners 1 & 2 as well as other legal heirs, who are all their relatives and sold their several ancestral properties, for which they sent a legal notice to the defacto complainant. Thereafter, the defacto complainant along with others attacked the first petitioner and broke his hand, for which a case has been registered against the defacto complainant in Cr.No.44 of 2022. But the defacto complainant gave the present complaint, which is registered in Cr.No.43 of 2022.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that in the alleged occurrence, the petitioners also sustained injury and got treatment. Hence, he prays for Anticipatory Bail to the petitioners.

4.Mr.S.Santhosh, Government Advocate (Crl.Side) appearing for the respondent police raised objection stating that the investigation is pending. However, he admits that it is a case of case in counter.

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

6. The respondent police registered the case against the petitioners for the offences punishable under Sections 294(b), 323 and 506(II) of I.P.C. r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act and as of now, the person who sustained injury, after completing the treatment he is discharged from the hospital. Otherwise, it is a case of case in counter. Therefore, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners are not necessary for completing investigation. Accordingly, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, 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, Sriperumbudur 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 30 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 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]; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

11/02/2022

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-14, MANGADU POLICE STATION,
CHENNAI .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to S.N.SUBRAMANI Advocate on payment of necessary charges
SR.NO.2260

CRL OP.3223/2022

Date :11/02/2022

RW 16/02/2022