



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.3357 of 2022

PRAVEEN KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
CHENNAI.
(CRIME NO.86/2022)

[RESPONDENT]

For Petitioner : M/S.S.THIRUGNANAM Advocate

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

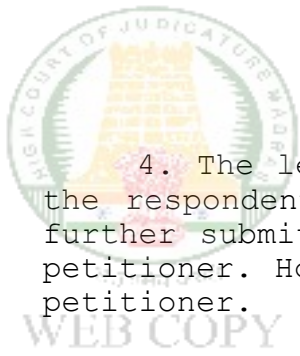
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under section 324 of I.P.C. and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.86 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are the brothers. It is alleged that there was a dispute in between them with regard to the property. On the date of occurrence, there was a wordy quarrel between the petitioner and the defacto complainant. Due to which, the petitioner attacked the wife of the defacto complainant using a brick and thereby she got injured. Hence the complaint was registered by the Law Enforcing Agency.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to the family problem, the defacto complainant has lodged a false complaint against this petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the investigation is pending. He further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. On considering the submissions made by the learned counsels appearing on either side, it would reveal the fact that both the defacto complainant and the petitioner are the brothers. They are having the family dispute in respect of the family property. After the occurrence, as of now, the injured got treatment and discharged from the hospital. Hence, in view of the above, custodial interrogation may not be necessary for completing the investigation.

6. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned District Munsif cum Judicial Magistrate, Sriperumbudur, Kancheepuram District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner 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 petitioner shall report before the respondent police daily at 10.00 a.m., for a period of thirty(30) days and thereafter as and when required for interrogation;

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

(d) the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
11/02/2022

WEB COPY

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,
SRIPERUMBUDUR, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to S.THIRUGNANAM Advocate on payment of necessary charges
SR.No.2265

CRL OP.3357/2022

Date :11/02/2022

CSK 16/02/2022