



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.3413 of 2022

1 AMIR BASHA
2 AKBAR
3 MUBARAK
4 NAWAB

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT
CIME NO. 74/2022

[RESPONDENT]

For Petitioner : V.R.APPASWAMEE Advocate

For Respondent : M/S.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 147, 148, 294(b), 323, 324 and 506(i) of IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.74 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 18.01.2022, the petitioners and some others abused, threatened and assaulted the defacto complainant and his wife due to previous enmity regarding family dispute. Hence, the complaint.



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 the person who sustained injury in the alleged occurrence has been discharged and therefore, for completing investigation, custodial interrogation is not necessary. 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 investigation is pending. However, he admits that the alleged occurrence happened due to the family dispute.

5. On considering the submissions made by the counsel appearing on either side, it would appear the respondent police registered a case against the petitioners for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The averments found in the F.I.R. would go to show that the petitioners and the defacto complainant are having the family dispute and as a result of which, during the time of occurrence, the petitioners assaulted the defacto complainant. Since, the injured is discharged from the hospital, the custodial interrogation may not be necessary for completing investigation. Hence, 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.

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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Gingee 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,
GINGEE, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to V.R.APPASWAMEE Advocate on payment of necessary charges
SR.NO.2270

CRL OP.3413/2022

Date :11/02/2022

RW 16/02/2022