



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3466 of 2022

1 BASKARAN
2 SANTHIYA

[PETITIONERS / ACCUSED]

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE,
T-10, TIRUMULLAIVAYAL POLICE STATION,
CHENNAI.
(CRIME NO.95/2022)

[RESPONDENTS]

2 THE INSPECTOR OF POLICE
W-29, AVADI ALL WOMEN POLICE STATION,
AVADI, CHENNAI.

For Petitioner : M/S B.GOPALAKRISHNAN 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 4 of Tamil Nadu Prohibition of Women Harassment Act R/W 506(i) of IPC, in Crime No.95 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the second petitioner and the defacto complainant are friends. It is alleged that the first petitioner got sum of Rs.15,600/- from the defacto complainant through the 2nd petitioner, as a result, when the defacto complainant approached the petitioners to repay the balance amount of Rs.5,600/-. the petitioners and other accused abused the defacto complainant with filthy language and threatened her. Hence the complaint.



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3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that the petitioner is an aged man, due to money transaction, the defacto complainant lodged the false case against this petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the investigation is completed. He further admits that in the alleged complaint lodged before the respondent police, the defacto complainant did not said anything about the cash transaction happened between them with the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. The submissions made by the learned Counsel appearing on either sides are considered.

6. The present case has been registered for the offences against the petitioners punishable under sections 4 of Tamil Nadu Prohibition of Women Harassment Act R/W 506(i) of IPC. In otherwise, being the reason that the first petitioner is aged about 67 years and also having permanent residence, though, it was alleged that the petitioners are refused to repay the amount, the defacto complainant in her complaint did not said anything about the amount which was given under loan to the petitioners.

7.Taking note of all the above said aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioners.

8.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, Ambattur**, on condition that the petitioners 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 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 not tamper with evidence or witness either during investigation or trial;

(c) **the petitioners shall report before the respondent police daily at 10.00 a.m for a period of 15 days and thereafter as and when required for interrogation;**



(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 has been imposed and the petitioners 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/-

18/02/2022

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-10, TIRUMULLAIVAYAL POLICE STATION,
CHENNAI.

4 THE INSPECTOR OF POLICE
W-29, AVADI ALL WOMEN POLICE STATION,
AVADI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S B.GOPALAKRISHNAN Advocate on payment of necessary charges SR.NO.2574

CRL OP.3466/2022

Date :18/02/2022

TA-25/02/2022