



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.3987 of 2022

1 AMSA
2 GANDHIMATHI
3 DHANALAKSHMI
4 PRAVEEN KUMAR
5 THILOTHAMAN G S @ THILIP KUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
THIRUPATTUR DISTRICT.
CRIME NO.26 OF 2022.

[RESPONDENT]

For Petitioner : M/S.KARAN AND UDAY 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 section 147, 148, 324, 326, 355, 379, 506(ii) of IPC and Sec 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.26 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is the wife of the defacto complainant and the 2nd and 3rd petitioners are his daughters and the 4th and 5th petitioners are grand children of the defacto complainant. The defacto complainant after marrying the first petitioner (1st wife), had illegal intimacy with one Rani and thereafter left the 1st petitioner. When, the petitioners questioned about the same, there arose a quarrel in between them and attacked the defacto complainant. Hence, the present case has been registered by the Law Enforcing Agency.



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 would further submit that due to the reason that, the first petitioner questioned about the illegal contact of the defacto complainant, he lodged a false complaint against her family members. According to him, the present complaint lodged by the defacto complainant is entirely false and also there is no such occurrence had happened as alleged by the defacto complainant. Accordingly, he pleads for grant of anticipatory bail to the petitioners.

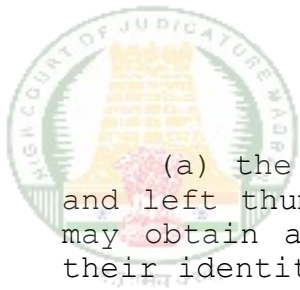
4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However, he admits that in the alleged occurrence, the person who sustained injury have been discharged from the hospital and no such occurrence Under Section 379 of IPC.

5. The submissions made by the learned Counsel appearing on either sides are considered and perused the 164 statement placed on record.

6. The respondent police registered the case as against the petitioner for the offences punishable under sections 147, 148, 324, 326, 355, 379, 506(ii) of IPC and Sec 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Admittedly, the 1st petitioner is the wife of the defacto complainant and the 2nd and 3rd petitioners are his daughters and the 4th and 5th petitioners are grand children of the defacto complainant It shows that the there was a family dispute in between the defacto complainant and the petitioners, due to which the present case has been registered. Since, both are relatives, question of tampering of witnesses does not arise, custodial interrogation may not be necessary in this case.

7. Therefore, taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

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, Vaniyambadi, Thirupattur District 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;

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(b) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the respondent police on every Monday at 10.00 a.m. for a period of one month 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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
VANIYAMBADI,
THIRUPATTUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
THIRUPATTUR DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.KARAN AND UDAY Advocate on payment of necessary
charges Sr.2572

CRL OP.3987/2022

Date :18/02/2022

RVR 24/02/2022