



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3832 of 2022

1 BALABHARATHI [PETITIONERS / ACCUSED]
2 BALAKRISHNAN
3 SILAMBARASAN
4 MARIYAMMAL
5 MANICKAM

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE
MANNARGUDI TOWN POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO.46 OF 2022.

For Petitioner : M/S. M.VIJAYA RAGAVAN 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 147, 448, 294(b), 427 and 506(ii) of IPC, in Crime No.46 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that the, 1st petitioner is his wife and others are in-laws and relatives. Earlier, his wife has lodged complainant in Crime No.8 of 2021 on the file of AWPS, Mannargudi, for dowry harassment against him and his family members, in which bail was granted to him. While so, on 29.11.2021, the petitioners entered into the defacto complainant's house and picked up quarrel and damaged household articles and attacked her and his mother. They also scolded with filthy language and threatened with dire consequences. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there is no previous case pending against the petitioners and also the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. The respondent police registered a case against the petitioners for the offences punishable under Sections 147, 448, 294 (b), 427 and 506(ii) of IPC. Considering the fact that the offence committed by the petitioners are not severe, custodial interrogation may not be necessary for completing investigation in this case. Hence, 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 No.I, Mannargudi**, 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 15 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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/-

17/02/2022

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,
NO.I, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MANNARGUDI TOWN POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.NO.2502

CRL OP.3832/2022

Date :17/02/2022

TA-22/02/2022