



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.3990 of 2022

NITHYA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
KURUSILAPATTU POLICE STATION,
THIRUPATTUR DISTRICT.
CRIME NO.18 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.

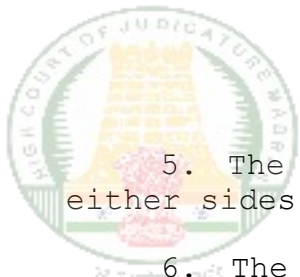
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.18 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 neighbours, there arise a wordy quarrel in between them, due to which, the petitioner attacked the defacto complainant family members. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent persons and he has been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is pending. However, he admits that, the persons who are all sustained injuries in the alleged occurrence are discharged from the hospital after completing treatment.



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

6. The respondent police registered the case as against the petitioner for the offences punishable under sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002. Further, among the said provisions except 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment and Women Act, 2002 other offences are bailable in nature. In other words, being the reason that the persons who are all sustained injuries are discharged from the hospital and therefore, custodial interrogation may not be necessary for completing the investigation.

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

8. 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 Judicial Magistrate No.II, Thirupattur 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner 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 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/-

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,
NO.II, THIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
KURUSILAPATTU 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.2571

CRL OP.3990/2022

Date :18/02/2022

RVR 23/02/2022