



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.4061 of 2022

1 PALANIAPPAN
2 PAPPATHI
3 MARIYAMMAL

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
METTUR POLICE STATION,
SALEM DISTRICT.
CRIME NO. 21 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.MARIAPPAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (CrI. 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 294(b), 323, 427, 355 of I.P.C and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.21 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are relatives, there arise a family dispute in between them, due to which, they attacked each other. Hence, the defacto complainant lodged a complaint before 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 further submits that 1st and 2nd petitioners had filed suit for partition and the same is pending on the file of Subordinate Judge at Mettur in OS.No.7 of 2022. He further submits that the 1st and 2nd petitioners are senior citizen. Hence, 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 the investigation is pending. However, he admits that, in the alleged occurrence, no one sustained injuries.

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

6. The respondent police registered the case as against the petitioners for the offences punishable under sections 294(b), 323, 427, 355 of I.P.C r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act, among the said provisions except Section 4 of Tamil Nadu Prohibition of Harassment and Women Act, the offences are bailable in nature. In otherwise, being the reason that in the alleged occurrence, no one sustained injuries, 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 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 No.I, Mettur, 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,
NO.I, METTUR.

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

3 THE INSPECTOR OF POLICE,
METTUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges SR.NO. 2617

CRL OP.4061/2022

Date :18/02/2022

RW 24/02/2022