



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4256 of 2022

1 NIROSHA [PETITIONERS / ACCUSED]
2 NITHYA
3 SAMPOORNAM

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
T10, THIRUMULLAIVOYAL POLICE STATION,
CHENNAI - 600 010
(CRIME NO.91/2022)

For Petitioner : M/S.J.NAVEEN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

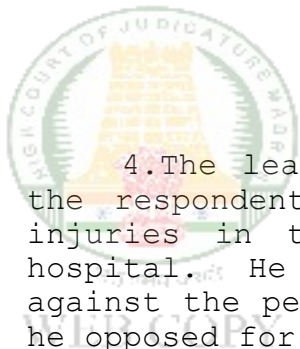
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 323, 324, 506(ii) of IPC r/w 4 of TNPHW Act, in Crime No.91 of 2022, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners had abused the defacto complainant and her family members by using filthy language, assaulted them and caused injuries. Hence the law enforcing agency registered a case against these petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the persons who sustained injuries in the alleged occurrence have been discharged from the hospital. He further submits that there is no previous case pending against the petitioners and further investigation is pending. However, he opposed for grant of anticipatory bail to the petitioners.

5. Submissions made by the learned Counsels appearing for either sides are considered.

6. The present case has been registered against for the offence punishable under sections 323, 324, 506(ii) of IPC. r/w 4 of TNPHW Act. Admittedly, the injured person who sustained injuries in the alleged occurrence has been discharged from the hospital after the treatment, hence custodial interrogation may not be necessary for completing the investigation in this case.

7. Taking all the above 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Ambattur, Chennai 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their 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;

(c) the petitioners shall report before the respondent police daily at 10.00 a.m., for the period of 30 days and thereafter, as and when required for interrogation.

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

(e) the petitioners shall not abscond either during investigation or trial;



(f) 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 himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

22/02/2022

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, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T10, THIRUMULLAIVOYAL POLICE STATION,
CHENNAI - 600 010.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.NAVEEN Advocate on payment of necessary charges

CRL OP.4256/2022

Date :22/02/2022

CSK 01/03/2022