



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

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

WEB COPY

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.4352 of 2022

1 NIRMAL KUMAR
2 SUGUMAR
3 THILAGAVATHY
4 ANJALAI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KANCHI TK POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.138/2022.

[RESPONDENT]

For Petitioner : M/S.G.MAGESHKUMAR Advocate

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

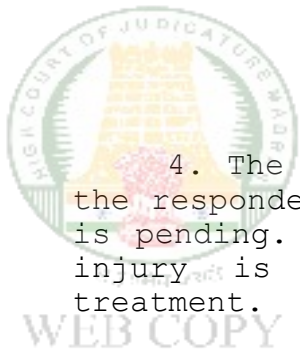
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 323, 324, 448, 506 Part II of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.138 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were putting up waste sand near the defacto complainant's house and when the same was questioned by the defacto complainant, the petitioners attacked the defacto complainant and her family and also abused them in filthy language. Hence, the present case.

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 submits 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 raised objection stating that the investigation is pending. However, he fairly admits that the person who sustained injury is now discharged from the hospital after completing treatment.

5. Submissions made by the learned Counsels on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 294(b), 323, 324, 448, 506 Part II of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002. Admittedly, there was a wordy quarrel between the parties and the injured discharged from the hospital.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioners, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioners may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

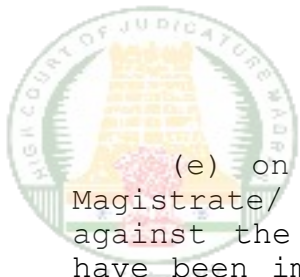
8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate -II, Kancheepuram, on condition that each of the petitioners shall 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 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;

(b) the petitioners shall report before the respondent police on every 10.00 a.m., for a period of fifteen (15) days and thereafter as and when required for interrogation.

(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 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 abscond, 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,
NO.II, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KANCHI TK POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary charges Sr.2803

CRL OP.4352/2022

Date :22/02/2022

RVR 25/02/2022