



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Second day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4424 of 2022

KRISHNAMOORTHY

[PETITIONER / ACCUSED]

Vs

THE STATION HOUSE OFFICER
K5 POLICE STATION,
PERAVALLUR, MADRAS 82.
CRIME NO.145 OF 2022

[RESPONDENT]

For Petitioner : M/S.S.SHANKAR, Advocate

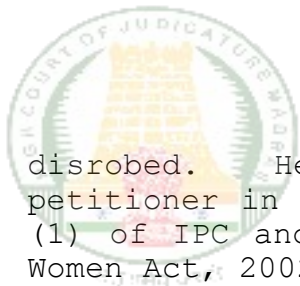
For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b) and 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.145 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. On perusal of the First Information Report in Crime No.145 of 2022, dated 17.02.2022, indicates that the defacto complainant one J.Hariharan gave a complaint on 15.02.2022 about 22.00 hrs to the respondent Police and the same was taken on file as C.S.R.No.70 of 2022. While being so, on 17.02.2022, the said defacto complainant again appeared before the respondent Police and gave a written statement stating that he is an Office Bearer of the ruling party and canvassing for one A.Nagarajan at G.K.M.Colony along with two students of Anitha School. At that time, the petitioner herein along with his party men around 10 members intercepted them and used abusive language against them and threatened them not to canvass in that area. They also misbehaved with the two girls, pulled the bags of those girls and threatened them that if they refuse to leave the place, they will be



disrobed. Hence, the case has been registered as against the petitioner in Crime No.145 of 2022 under Sections 147, 294(b) and 506 (1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the petitioner herein is an habitual offender and five more cases are pending as against him and during the election, they had behaved unruly in violation of election code.

4. The learned counsel appearing for the petitioner would submit that the complaint is lodged in the political motive with intention to prevent the petitioner herein from canvassing for the opposition party candidate.

5. Considering the averments made in the complaint and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned 5th Metropolitan Magistrate, Egmore, Madras, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled and on further condition that:

(a) the petitioner 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 petitioner shall appear before the Investigation Officer as and when required;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(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 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;



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

WEB COPY

-sd/-
02/03/2022

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 METROPOLITAN MAGISTRATE,
NO.5, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 STATION HOUSE OFFICER
K5 POLICE STATION, PERAVALLUR, MADRAS 82.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.T.NAGENDRAN Advocate on payment of necessary
charges SR.NO.3669 [10/03/2022]

CRL OP.4424/2022

Date :02/03/2022

JPA 08/03/2022