



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4977 of 2022

1 D.GANESH [PETITIONERS / ACCUSED]
2 D.VIMALA
3 B.PURUSHOTHAMAN
4 S.NATARAJ
5 R.SAVITHIRI
6 C.LAKSHMI
7 B.SARANYA

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUMULLAIVOYAL POLICE STATION,
AMBATTUR, CHENNAI DISTRICT.
(CR.NO.151 OF 2022)

For Petitioner : M/S.S.NAGARAJAN Advocate

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

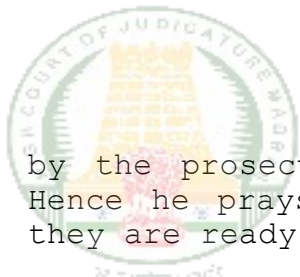
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 294 (b), 323 and 506(i) of IPC in Crime No.151 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife and often there was a wordy quarrel between them and on the alleged date of occurrence, the first petitioner brought other petitioners and assaulted the defacto complainant and her family members and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged



by the prosecution and they have falsely implicated in this case. Hence he prays to grant anticipatory bail to the petitioners and they are ready to abide any conditions.

4. The learned Government Advocate (Crl.Side) has submitted that there was a quarrel between the first petitioner and his wife/defacto complainant, due to which, the petitioners assaulted the defacto complainant and threatened her with dire consequences. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.1, Ambattur on condition that the petitioners shall execute separate bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 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 Investigation Officer as and required for an 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.

WEB COPY

-sd/-

03/03/2022

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 JUDICIAL MAGISTRATE,
NO.I, AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUMULLAIVOYAL POLICE STATION,
AMBATTUR, CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3CC to M/S.S.NAGARAJAN Advocate on payment of necessary charges SR.No.3280

CRL OP.4977/2022

Date :03/03/2022

CSK 09/03/2022