



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6257 of 2022

1 ASOTHAI
2 JOTHI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP
THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
ULUNDURPET,
KALLAKURICHI DISTRICT.
CRIME NO.57/2022.

[RESPONDENT]

For Petitioner : M/S.K.PRABHAKARAN Advocate

For Respondent : M/S.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 alleged offences under Sections 294(b), 323, 324, 506(ii) of IPC and Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.57 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 accused persons came to the defacto complainant's house, ill-treated his family members and also scolded them in filthy language. Hence the complaint.

3. The learned counsel for the petitioners submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that it is the case in counter. He further submits that the injured person has been discharged from the hospital. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Due to previous enmity between the defacto complainant and the accused persons, the accused persons attacked the defacto complainant's family members with wooden log and caused injury. The case in counter has also been filed by these petitioners.

6. Taking note of the case and case in counter and the petitioners herein are the lady members of the family, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.I, Ulundurpet, on condition that the petitioners shall execute a bond 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, failing which the anticipatory bail shall stand canceled 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 Investigating Officer 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

28/03/2022

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, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
ULUNDURPET, KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.NIRMALKUMAR Advocate on payment of necessary charges SR.NO. 4645

CRL OP.6257/2022

Date :28/03/2022

RW 31/03/2022