



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10513 of 2022

AND

CRL.MP.NO.6389 of 2022

1 MADHAN
2 BHARATHI

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VELLORE,VELLORE DISTRICT.
(CRIME NO.13/2022)

[RESPONDENT]

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR.S.SUGENDRAN,Additional Public Prosecutor

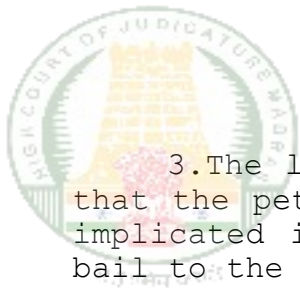
For Intervenor : MR.L.GAVASKAR, Advocate

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), 498 (A) & 506(i) of IPC in Crime No.13 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioners herein were alleged to have abused the defacto complainant in filthy language and physically assaulted her.



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

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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that, during the alleged occurrence, no one sustained injuries and a divorce case is also pending against the 1st petitioner.

5.The Intervening Petition in Crl.M.P.No.6389 of 2022 has been filed by the defacto complainant/intervenor to permit him to intervene in the matter. This Court heard the submissions of the learned counsel for the intervenor. However, in view of the fact that this Court is inclined to grant anticipatory bail to the petitioners, taking into consideration the facts and circumstances of the case, the Intervening Petition in Crl.M.P.No.6389 of 2022 is rejected.

6.Considering the facts and circumstances of the case and also taking note of the fact that no one has sustained injury, the custodial interrogation of the petitioners are not necessary in this case and hence, 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 fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate (Additional Mahila Court), Vellore on condition that each of the petitioners shall execute their own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

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

(c)the petitioners shall report before the respondent Police as and when required for interrogation;

(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 has 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.

-sd/-

11/05/2022

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,
(ADDITIONAL MAHILA COURT), VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.No.6984

CRL OP.10513/2022

AND

CRL.MP.6389/2022

Date :11/05/2022

CSK 16/05/2022