



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12556 of 2022

1 M.NITHIYANANDAM  
2 PANCHAVARNAM  
3 RAJAGOPAL

[ PETITIONERS / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR POLICE,  
AWPS, ARIYALUR.  
(CRIME NO.49 OF 2021)

[ RESPONDENT ]

For Petitioners : M/S.K.KANNAN Advocate

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Crl. Side)

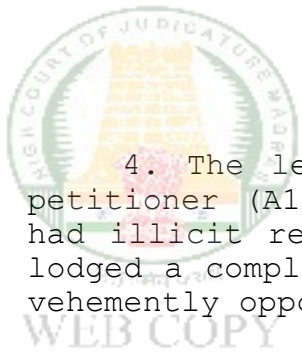
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323 & 494 & 506(ii) of IPC and Section 4 of Women Harassment Act, 2002 in Crime No.49 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defact complainant lodged a complaint before the respondent police that A1, who is the husband, had illegal relationship with A2 and in-laws are supporting A1.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The accused 2,4 and 5 have already released on bail by the Additional Mahila Court, Ariyalur. Therefore, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate would submit that the first petitioner (A1) and the defacto complainant are husband and wife. A1 had illicit relationship with A2, for which, the defacto complainant lodged a complaint and investigation is at initial stage. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and co-accused have been released on bail by the Court below, 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, before the learned Additional Mahila Court (Magistrate Level), Ariyalur, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees ten 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 daily at 10.30 a.m. for a period of two weeks 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-  
26/05/2022

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 ADDITIONAL MAHILA COURT  
(MAGISTRATE LEVEL), ARIYALUR

2 THE CHIEF JUDICIAL MAGISTRATE  
ARIYALUR [FOR INFORMATION]

3 THE INSPECTOR POLICE,  
AWPS, ARIYALUR.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.K.KANNAN Advocate on payment of necessary charges

CRL OP.12556/2022

Date :26/05/2022

JPA 02/06/2022