



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12687 of 2022

NAGARAJ @ NAGARAJAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
JALAKANDAPURAM POLICE STATION,
SALEM DISTRICT.
(CR.NO.115 OF 2022)

[RESPONDENT]

For Petitioner : M/S.C.DEEPAK KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under sections 294(b), 323, 324, 506(i) of IPC r/w. 4 of TN Prohibition of Harassment of Women Act in Crime No.115 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant hail from the very same village and due to previous enmity, a wordy quarrel arose in between the petitioner and the defacto complainant's husband and the petitioner is alleged to have abused the defacto complainant's husband using filthy language and pushed him down and when the defacto complainant intervened, assaulted her with stones and threatened them with dire consequences.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and prays for grant of Anticipatory Bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner was constantly harassing the defacto complainant's daughter - in - law and the same was questioned by the defacto complainant's husband for which, the petitioner pushed him down due to which he sustained injuries and when the same was questioned by the defacto complainant, the petitioner assaulted her with stones and threatened them with dire consequences. He further submitted that the victim took treatment as in-patient from 09.05.2022 to 16.05.2022 and thereafter discharged from Hospital.

5.Heard the submissions made by the learned Counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent.

6. Considering the fact that the victim has been discharged from Hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to imposing conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of three weeks from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.1, Mettur, on condition that the petitioner shall execute a 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 dismissed and on further condition that:

(a) the petitioner shall file an affidavit of undertaking before the learned Magistrate/ Trial Court at the time of executing sureties that he will not cause any hindrance or harass the defacto complainant's daughter - in - law;

(b) the petitioner shall hand over a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the defacto complainant's family for the medical expenses they incurred and shall produce proof for the same at the time of executing sureties;

(c) 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;

(d) the petitioner shall report before the respondent police as and when required for interrogation.



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

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

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

8. It is made clear that the condition directing the petitioner to hand over a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the defacto complainant's family is only on humanitarian consideration. Hence the payment of the said amount and filing of undertaking affidavit by the petitioner shall not be construed against the petitioner during admission of the case for trial and the same will not affect the defence of the case of the petitioner during trial.

-sd/-
27/05/2022

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,
NO.I, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
JALAKANDAPURAM POLICE STATION,
SALEM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary
charges

CRL OP.12687/2022

Date :27/05/2022

CSK 02/06/2022