



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12970 of 2022

1 SURESH
2 PRINCY

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
TIRUVALLUR DISTRICT.
CRIME NO.365 OF 2022.

[RESPONDENT]

For Petitioner : M/S.DILLI KUMAR Advocate

For Respondent : M/S.N.MUTHUVEL, Govt. Advocate (Cr1. Side)

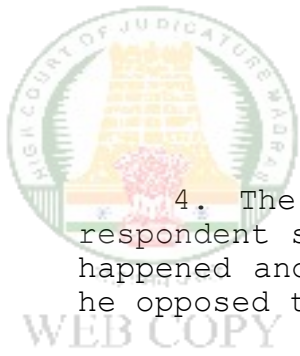
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506 (i) of I.P.C. read with Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998 in Crime No.365 of 2022, and they have filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that on 05.05.2022, the petitioners along with other accused trespassed into the house of the defacto complainant, took the original documents and assaulted the defacto complainant and other family members and also threatened them with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to property dispute, the occurrence has happened and that no one was injured in the said incident. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the above facts and circumstances of the case and the cause for the occurrence, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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-II, Ponneri**, on condition that each of the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police as and when required.

[c] the petitioners shall not tamper with the 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 are 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
01/06/2022

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.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
TIRUVALLUR DISTRICT.

+2 CC to M/S.DILLI KUMAR Advocate on payment of necessary charges SR.NO.8469, 8473

CRL OP.12970/2022

Date :01/06/2022

TA-06/06/2022