



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25730 of 2021

1.Harini
2.A.Rajesh

...Petitioners

Vs.

State Represented by
The Inspector of Police,
J-7, Velachery Police Station,
Chennai.
(Crime No.991 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.991 of 2021 pending on the file of the respondent Police.

For Petitioners: Mr.G.Ashok Kumar

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 323, 506(ii) of IPC in Cr.No.991 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant preferred a complaint stated that while he was returned to home and found his wife and children were not available at home. Then, he asked his mother, she replied that they went outside in the evening itself. Then, he called her wife through phone and she attended the call and gave it to the first petitioner. She informed that they were at cinema and cut the phone. Again he called to his wife which was taken by the first petitioner, in turn he asked her to give the phone to his wife but she refused, thereby, he shouted and abuse her in filthy languages. Then, petitioners along with other persons came to the defacto complainant's house and asked him to ask apology for his behaviour. However the defacto complainant asked apology, whereas,



first petitioner abused him with filthy languages and second petitioner assaulted him with hands. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) on instructions submits that the defacto complainant sustained simple injury and taken treatment as outpatient. He further submits that petitioner has no previous case. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate No.I, Thiruvallur**, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner shall report before the respondent police as and when required for interrogation and the second petitioner shall report before the respondent police on every Saturday at 10.30 a.m, for a period of four weeks, thereafter as and when required for interrogation;

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



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-

03/01/2022

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-7, VELACHERY POLICE STATION,
CHENNAI.

CC to M/S.G.ASHOK KUMAR Advocate on payment of necessary charges

CRL OP.25730/2021

Date :03/01/2022

TA-10/01/2022