



Crl.O.P.No.5828 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.5828 of 2024

Gowtham

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Mallasamudram Police Station,
Namakkal District.

(Crime No.23 of 2024)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.23 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/accused in Crime No.23 of 2024, registered by the respondent police for the offences under Sections 294(b), 506(i) of IPC and Section 4 of Women Harassment Act for the alleged occurrence which took place on 16.01.2024 and FIR was registered on 17.01.2024 and the petitioner had been remanded to judicial custody on 17.01.2024.

2.It is stated that the petitioner and the defacto complainant are neighbours. There were continuous disputes between the two families. It is stated that the petitioner had entered into the house of the defacto complainant and pulled the hands of the defacto complainant. However, taking all other factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

3.Accordingly, the petitioner is ordered to be released on bail on condition to 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 Judicial Magistrate, Tiruchengode, and on further conditions that:

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[a] 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 petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] Additionally, at the time of executing sureties, the petitioner must file an affidavit that he will not disturb the defacto complainant forever and will not interfere with her peaceful life.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 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].

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

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C.V.KARTHIKEYAN. J.

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To

1. The Judicial Magistrate, Tiruchengode.
2. The Sub Jail, Tiruchengode.
3. The Inspector of Police,
Mallasamudram Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras.

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