

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8263 of 2021

1 RAMU
2 GOBALAKIRUSHNAN
3 ANANTHASAYANAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
MAILAM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.335 OF 2021.

[RESPONDENT]

For Petitioner : M/S.D.RAVICHANDER Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, 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 294(b), 506(ii) IPC r/w Section 4 B(1) of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.335 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 21.04.2021, the de-facto complainant approached her matrimonial home and informed her mother-in-law that she wanted to shift her household things to matrimonial home from her rental premises. After hearing the same, her mother-in-law scolded the de-facto complainant in filthy language for the reason that the de-facto complainant separated her son from the family and questioned the said act of the de-facto complainant. At that time, the petitioners also scolded the de-facto complainant in a filthy language and threatened the de-facto complainant with dire consequences. The aforesaid act of the petitioners was witnessed by the brother of the petitioners, who is the husband of the de-facto complainant. Instead defending the de-facto complainant, her husband also scolded her in a filthy language and compelled her to act according to their wish. Deteriorated by the

aforesaid act of the petitioners herein, the de-facto complainant herein attempted suicide along with her children, wherein she was rescued and lost her child in the well. Hence the case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

5. Taking into consideration, the facts and circumstances of the case and also the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Tindivanam, on condition that the petitioners shall execute a 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 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].

(f) If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/04/2021

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, TINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM

3 INSPECTOR OF POLICE,
MAILAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.RAVICHANDER Advocate on payment of necessary charges Sr.5687

CRL OP.8263/2021

Date :30/04/2021

RVR 15/06/2021