



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16393 of 2017

SABURA BEEVI

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
KEERMANGALAM POLICE STATION,
PUDUKOTTAI DISTRICT.
(CRIME NO.131 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.BHARATHI, Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl.Side)

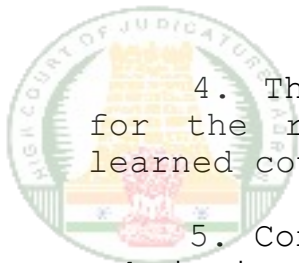
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 355 and 506(i) of IPC, in Crime No.131 of 2017, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that based on this Court's direction made in Crl.O.P.(MD).No.21517 of 2016, an FIR was registered against the petitioner and other accused persons for the offences punishable under Sections 294(b), 355 and 506(i) of IPC. The allegation against the petitioner is that the petitioner's daughter arrayed as A1 in a case and when they went for enquiry before the respondent police, the defacto complainant also appeared for enquiry, at that time, the petitioner suddenly spit tobacco powder on the face of the defacto complainant and he felt irritation and pain and took treatment. Thereafter, the defacto complainant lodged a complaint before the respondent police. However, they did not take action against which he filed Crl.O.P.(MD).No.21517 of 2017 before this Court and thereafter, as per the direction of this Court, FIR has been registered for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she is 72 years old and due to family dispute, the defacto complainant foisted a false case against the petitioner and her daughter. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Criminal side) appearing for the respondent did not dispute the facts submitted by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and the submission of the learned Government Advocate (Crl.side) that it is purely a family dispute, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate, Alangudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall make herself available for interrogation as and when required by the investigation officer;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not commit any offence while on bail;
- (iv) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
29/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGUDI, PUDUKKOTTAI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI
- 3 THE INSPECTOR OF POLICE,
KEERMANGALAM POLICE STATION, PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.R.MURUGESAN Advocate SR.No.35322

ORDER IN
CRL OP(MD) No.16393 of 2017
Date :29/11/2017