

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.12529 of 2018

KIRUBARAJESWARI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE
CR.NO.15/2015

For Petitioner : M/S.M.N.BALAKRISHNAN Advocate

For Respondent : MR. M.PRABHAVATHI, Add. Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498-A and 406 IPC in Crime No.15 of 2015, seeks anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioner harassed the defacto complainant, which has resulted in registration of this case.

3.The learned counsel for the petitioner submitted that due to family dispute, a false case has been foisted against the petitioner under Section 498-A and 406 IPC and he further submitted that already this Court has granted Anticipatory Bail to the Accused 1 and 2 in CrI.OP No.29968 of 2015 dated 22.12.2015. He further submitted that the petitioner is a cancer patient. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that this Court has already granted Anticipatory Bail to Accused 1 and 2. However, she strongly opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the fact that this Court has already granted Anticipatory Bail to the Accused 1 & 2 in CrI OP No.29968 of 2015 dated 22.12.2015, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days

from the date of receipt of a copy of this order, before the learned Judicial Magistrate III, Erode on condition that the petitioner shall 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 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) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) Taking into consideration, the petitioner is a cancer patient, the petitioner shall report before the respondent police whenever required by them for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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]**.

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

-sd/-

23/05/2018

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.III, ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ERODE.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.9400

CRL OP.12529/2018

Date :23/05/2018

TA-24/05/2018