



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.125 of 2018

SAKTHIKALA,

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE,
KEELASELVANOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO.64 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MOHANKUMAR Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 324 and 506 (ii) of IPC in Crime No.64 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.12.2017, the petitioner and her husband went to the de-facto complainant's house and quarreled with the de-facto complainant's family and assaulted the de-facto complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and she is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that investigation is not yet completed and the injured was discharged from the hospital.

5.The submissions made by the learned counsel on either side are considered. According to the learned Additional Public Prosecutor, the person, who sustained injuries at the



time of occurrence, was discharged from the hospital after completing treatment. Hence, there is no scope for altering the Section of law in future. Apart from that, except 506 (ii) IPC the other offences mentioned in the petition are bailable in nature.

6. Taking all the above said aspects into consideration, and having regard to the nature of offence, **this Court comes to the conclusion that in order to complete investigation, custodial interrogation is not necessary. Accordingly this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:-**

(i) The petitioner is granted anticipatory bail in the event of her arrest or on her surrender before the learned Judicial Magistrate, Muthukulathur, Ramanathapuram District.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on her executing a bond for Rs.25,000/- with two sureties for like sum each to satisfaction of the learned Judicial Magistrate, Muthukulathur, Ramanathapuram District.

(iii) The petitioner is directed to appear before the respondent Police daily at 10.00 a.m. for a period of two weeks.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigation Officer.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled, and 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)**.

sd/-
05/01/2018

/ TRUE COPY /

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



gns/smn2

TO

1 THE JUDICIAL MAGISTRATE
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
KEELASELVANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.MOHANKUMAR Advocate SR.No.184

GJM/RR/SAR-2-10.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.125 of 2018
Date :05/01/2018