



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.106 of 2018

ANTHONIAMMAL

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.265 OF 2017)

... RESPONDENT / COMPLAINAN

For Petitioner : M/S.G.THALAIMUTHARASU, Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

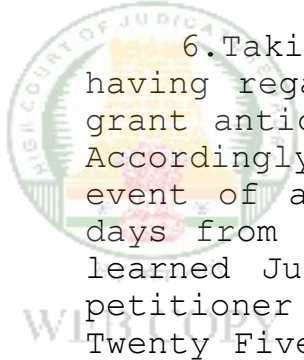
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 341, 294 (b), 323 and 506(i) IPC in Crime No.265 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the de facto complainant, the petitioner abused in filthy language, threatened her with dire consequences and assaulted her.

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. According to him, the injured was discharged from the hospital.

5.Considering the submissions made on either side, it seems that the occurrence was happened due to the some dispute. However, submissions made by the learned Additional Public Prosecutor that the person, who sustained injuries at the time of occurrence, was discharged from the hospital after completing treatment. Hence, in order to complete custodial interrogation is not necessary.



6. Taking all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, 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 is directed to appear before the respondent Police daily at 10.00 a.m. for a period of three weeks.

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

(iii) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner 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.

TO

1. THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.214

ORDER IN

CRL OP(MD) No.106 of 2018

Date : 05/01/2018

MS/PN/SAR.2/09.01.2018/2P.6C