



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2894 of 2018

BABY RANI, ... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.800 OF 2016) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JOTHI BASU Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

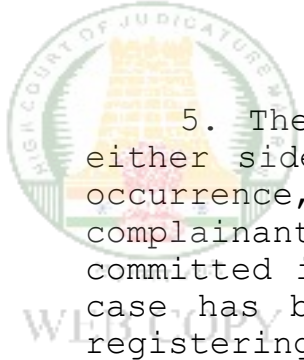
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 11 (1)(a) of the Prevention of Cruelty to Animals Act, 1960 and Section 506(i) of IPC., in Crime No.800 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are neighbours. On 03.05.2014, since the defacto complainant's country chicken was wandering near to the house of the petitioner, the petitioner pelted stone to the bird and threatened the defacto complainant with dire consequences. Hence, the present case has been registered against the petitioner and other accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, she is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the investigation is going on.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner herein thrown stone on the defacto complainant's country chicken. Further, the alleged offence was committed in the year 2015, and thereafter only in the year 2016, a case has been registered. So, considering the period of delay in registering the case and also considering the gravity of the offence committed by the petitioner, this Court came to the conclusion that custodial interrogation may not be necessary for completing the investigation. Hence, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.I, Virudhunagar, 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 report before the respondent police daily twice, at 10.00 a.m., and 05.00 p.m., for a period of one week and thereafter, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not abscond either during investigation or trial;

(iv) 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 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/-
23/02/2018

/ TRUE COPY /

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



pjl
TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB-INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.3000

GJM/CM/VR/SAR-4-2.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.2894 of 2018

Date :23/02/2018