



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3259 of 2018

RAMELA

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KEELATHOOVAL POLICE STATION,
KEELATHOOVAL, RAMANATHAPURAM DISTRICT.
IN CRIME NO.17/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.SANJAI GANDHI, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

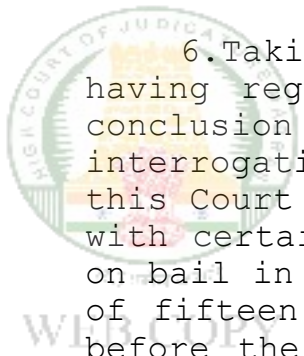
The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323, 324 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act in Crime No.17 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 07.02.2018, the defacto complainant and his sister-in-law were abused and assaulted by the petitioner and her husband. Hence, he lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that she is an innocent person and she has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the injured person discharged from the hospital. According to him, investigation is still pending.

5.The submissions made on either side are considered. It is alleged that during the time of occurrence, the petitioner herein assaulted the defacto complainant and caused injury to him. However, submissions made by the learned Government Advocate (Criminal Side) that the injured was discharged from the hospital. Apart from that, except Section 506 (i) IPC. and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 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 the investigation, custodial interrogation of the petitioner may not be necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, she 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, Mudukulathur, 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 at 10.00 a.m. for a period of three weeks 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 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/-

01/03/2018

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

TO

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

+1. CC to M/S.K.SANJAI GANDHI Advocate SR.No.3282

ORDER IN

CRL OP(MD) No.3259 of 2018

Date :01/03/2018