



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

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3915 of 2018

1 THANGAM
2 KARTHIKA F/18
D/O.SELVAM ... PETITIONERS/ACCUSED 1 & 2
(DISMISSED AS WITHDRAWN AGAINST 2ND PETITIONER
AS PER ORDER DATED 13.03.2018 IN CRL OP(MD)No.3915 OF 2018)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PAVOORCHATRAM POLICE STATION,
TIRUNELVELI DISTRICT,
IN CR.NO. 110/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.VENKATESH Advocate

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

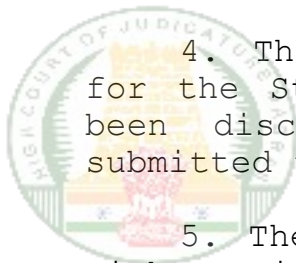
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC., in Crime No.110 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 and the defacto complainant are the neighbours. With regard to using the common courtyard, there was a wordy quarrel arose between them, due to which the petitioner/A1 and other accused abused the defacto complainant by using filthy language, the petitioner/A1 assaulted her by using billhook, thereby the defacto complainant sustained injuries, and thereafter the accused threatened her with dire consequences. Hence, the case has been registered against the petitioner and other accused for the above incident.

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



4. The learned Government Advocate (Criminal Side) appearing for the State on instructions, would submit that the injured has been discharged from the hospital on 13.03.2018. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. According to the prosecution, the person, who sustained injury during the time of occurrence was discharged from the hospital after completing treatment. Further, except Section 506 (ii) IPC, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner/A1 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, Tenkasi, 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/A1 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/A1 shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner/A1 shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner/A1 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner/A1 in accordance with law as if the conditions have been imposed and the petitioner/A1 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/-
19/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PAVOORCHATRAM POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.4350

ORDER

IN

CRL OP(MD) No.3915 of 2018

Date :19/03/2018

MKV-MM-PN-SAR 1/27.3.2018/3P-6C