



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4812 of 2018

M. RAMALAKSHMI, ... PETITIONER/ ACCUSED RANK-2

Vs

THE STATE, REP.BY
SUB INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.160 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.JEYASANKAR 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/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 342, 294 (b), 323, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.160 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein and the defacto complainant are neighbours. Due to heavy rain in the locality, rainwater stagnated in front of the defacto complainant's house, at that time, there was a wordy quarrel arose between the petitioner and the defacto complainant. Due to that, the petitioner and other accused in this case abused the defacto complainant by using the filthy language, assaulted him and thereby, he sustained injuries. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that petitioner is an innocent person, she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal Side) appearing for



the State submitted that injured has been discharged from the hospital. According to him, investigation is still pending.

5. The submission made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner and other accused in this crime abused the defacto complainant by using the filthy language and assaulted the defacto complainant, thereby he sustained injuries. According to prosecution, as of now, the injured has been discharged from the hospital, after completing the treatment. Further, except under Section 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, all other petition mentioned offences are bailable in nature. So, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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, 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 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/-
27/03/2018

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



msa
TO

1 THE JUDICIAL MAGISTRATE, TENKASI,

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
TENKASI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.P.JEYASANKAR Advocate SR.No.4852

GJM/PN/SAR-I-6.45.18-3P-6C

ORDER

IN

CRL OP(MD) No.4812 of 2018

Date :27/03/2018