

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.10179 of 2019

S.ANANTHI

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP . BY [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
VAITHEESWARAN KOIL POLICE STATION,  
NAGAPATTINAM DISTRICT.  
(CRIME NO.32 OF 2019)

For Petitioner : M/S.R.SILAMBARASAN Advocate

For Respondent : M/S.C.RAGHAVAN Government Advocate

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), 352, and 506(i) IPC, in Crime No.32 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and her mother are said to have abused the defacto complainant in filthy language and assaulted her and also threatened her with dire consequences.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence.

4. The learned Government Advocate(Crl.Side) on instructions would submit that final report has already been filed by the respondent police and the same has been taken on file in S.T.C.No.238 of 2019. Totally, there are two accused in this case and the petitioner is added as A2.

5. Taking into consideration of the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sirkali, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the said Magistrate during every day of hearing without fail.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, 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]**; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/04/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
SIRKALI

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VAITHEESWARAN KOIL POLICE STATION,  
NAGAPATTINAM DISTRICT

+1 CC to M/S.R.SILAMBARASAN Advocate on payment of necessary  
charges SR.NO.7831

CRL OP.10179/2019

Date :15/04/2019

cm 24/04/2019



WEB COPY