



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1918 of 2019

MUTHARASI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI
TIRUNELVELI.
Crime No.1/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.ANAND Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 354A, 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Cr.No.1 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's husband was working as a Special Officer in the Cooperative Society, Tirunelveli. The defacto complainant was also working in the same place. Since the petitioner's husband misbehaved with the defacto complainant, the defacto complainant lodged a complaint against the petitioner's husband. Thereafter, the petitioner came to the defacto complainant's house and abused her in filthy language. Hence, the petitioner was also implicated in this case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution.



4. The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that the investigation is pending.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned Additional Mahila Court, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix her photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of her Aadhar card or Bank pass Book to ensure her identity;

(b) the petitioner shall report before the respondent police as when required for interrogation ;

(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 petitioners 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/-
06/02/2019

/ TRUE COPY /



TO

1. THE ADDITIONAL MAHILA COURT,
TIRUNELVELI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI
TIRUNELVELI.

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

+1. CC to Mr.R.KRISHNAN Advocate SR.No.2538

ORDER

IN

CRL OP (MD) No.1918 of 2019

Date : 06/02/2019

TK/PN/SAR-2/13.02.2019/3P/5C