



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2333 of 2019

GNANASUNDARI

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT
Crime No.22/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.RAMESH KUMAR Advocate for
Mr.P.BALASUBRAMANIAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 294(b), 341, 323, 324 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act altered into 294(b), 341, 323, 302 IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.22 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 25.01.2019, the defacto complainant's mother fetch water from the public tap. At that time, the petitioner and her husband said to have pick up quarrel with the defacto complainant's mother with regard to the fetching of water from the public tap, in which the defacto complainant's mother fell down, sustained injuries and admitted in the hospital and succumbed. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Already A1 in this case has been arrested and in judicial custody from 05.02.2019. The petitioner is A2 and she is ready to abide any condition imposed by this Court. There is no specific overtact against this petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that A1 in this case has been arrested and in judicial custody and investigation is pending.

5. Considering the facts and circumstances of this case and since there is no specific overtact against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sathur, 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 their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the Inspector of Police, All Women Police Station, Sathur until further orders;

(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/-
14/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO II,
SATHUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

4. THE INSEPCTOR OF POLICE,
ALL WOMEN POLICE STATION, SATHUR.

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

+1. CC to Mr.P.BALASUBRAMANIAN Advocate SR.No.3120

ORDER

IN

CRL OP(MD) No.2333 of 2019

Date :14/02/2019

TK/VR/SAR-1/19.02.2019/3P/7C