



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

Wednesday, the Tenth day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5435 of 2019

S.PUNITHAVATHI @ PUNITHA

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
UTCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.97/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SENTHIL MURUGAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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) and 323 of IPC and Section 4 of TNPHW Act, in Cr.No.97 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother-in-law of the petitioner. The petitioner along with her husband attacked the defacto complainant, thereby she sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. Accordingly, he prayed for anticipatory bail. However on instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.5,000/- in favour of the defacto complainant mother-in-law for her treatment.

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

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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, Ramanathapuram 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 deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of account number maintained by the defacto complainant in any bank before execution of sureties and if the defacto complainant is not having any bank account, the deposit shall be made by opening an account in her name;

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

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/04/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
UTCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate SR-6510

ORDER

IN

CRL OP(MD) No.5435 of 2019

Date :10/04/2019