



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6974 of 2019

GEETHA

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY,
IN CR.NO.404 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.V.MALAIYENDRAN, 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/accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 294(b), 323, 506(i) I.P.C and Section 4 of TNPHW Act and Section 3 of TNPPDL Act, in Crime No.404 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.V.Malaiyendran, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. According to the defacto complainant, the petitioner along with other accused persons trespassed into the house of the defacto complainant and caused damage to the doors and flower wash to the tune of Rs.15,000/-. Hence, the complaint.

4.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 and she has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to this petitioner.



5.The learned Government Advocate (Crl Side) appearing for the respondent Police would submit that the petitioner and the defacto complainant are only neighbours and he opposed to grant anticipatory bail to the petitioner.

7.Taking into consideration the facts and circumstances of the case and also considering the nature of offence levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

8.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 on which the order copy was made ready before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioner shall execute a separate 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 and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police as and when required.

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

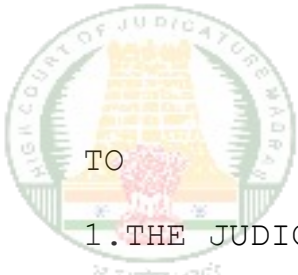
[d] the petitioner shall co-operate for the investigation and the trial.The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-
15/05/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY.

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

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.8535

ORDER

IN

CRL OP(MD) No.6974 of 2019

Date :15/05/2019

das

PK/JC/SAR-3/22.05.2019 : 3P/6C