



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.23041 of 2018

LATHA @ AJI

... PETITIONER / PETITIONER/
2nd ACCUSED

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
ERANIEL POLICE STATION, ERANIEL,
KANYAKUMARI DISTRICT.
Crime No.453 of 2018

... RESPONDENT / RESPONDENT/
COMPLAINANT

For Petitioner : Mr.S.BALAMURUGAN 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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 292(A), 346, 379, 506(i) IPC r/w Section 34 of IPC and Section 21 of the Information Technology Act, 2000 in Crime No.453 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that the second accused gave drink to the defacto complainant laced with sedatives and when the defacto complainant was not in consciousness, the first accused is said to have lavished her and also taken obscene photos of her.

3. The learned counsel for the petitioner would submit that a false case has been foisted against her and she had nothing to do with the alleged offence.

4. The learned Government Advocate (Crl.Side) would submit that the injured has been discharged from the hospital.



5. Taking into consideration the facts of the case and the submissions by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Judicial Magistrate, Eraniel, Kanyakumari District 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the learned Judicial Magistrate, Eraniel, Kanyakumari District daily at 10.30 am for a period of two weeks and thereafter as and 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 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].

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

sd/-
04/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ERANIAL, KANYAKUMARI DISTRICT
2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERKOVIL.
3. THE SUB INSPECTOR OF POLICE,
ERANIEL POLICE STATION, ERANIEL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.23041 of 2018
Date : 04/01/2019

TK/VR/SAR-4/21.01.2019/3P/5C