



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11318 of 2019

Aathi Lakshmi,

... Petitioner/Accused
Vs

The State rep by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District,
in Crime No. 276 of 2019.

... Respondent/Complainant

For Petitioner : M/s. K. Neethimohan,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

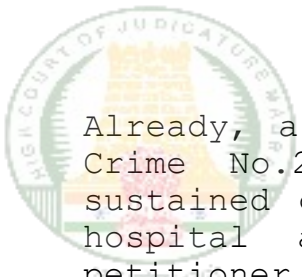
For Anticipatory Bail in Crime No. 276 of 2019 on the file of
the Respondent Police.

ORDER : The Court Made the following order :-

Memo filed by the petitioner herein recorded. The petitioner,
who apprehends arrest at the hands of the respondent police for the
offences punishable under Sections 323 and 506 (ii) of IPC, in Crime
No.276 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, due to family dispute, the petitioner
assaulted the defacto complainant and criminally intimidated her. He
further submitted that the defacto complainant is the mother-in-law
of the petitioner. From the date of marriage, the defacto
complainant harassing the petitioner by demanding additional dowry.



Already, a case was registered against the defacto complainant in Crime No.275 of 2019. He further submitted that the injured sustained only simple injury and she was also discharged from the hospital and therefore, he prayed anticipatory bail to the petitioner.

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4.The learned Government Advocate (Criminal side) appearing for the respondent has submitted that the petitioner it is a case and counter case. The petitioner assaulted the defacto complainant and criminally intimidated her. However, she fairly conceded that the injured sustained only simple injuries and she was already discharged from the hospital and no previous case is pending against the petitioner.

5.Taking into consideration the fact that the injured person sustained only simple injuries and she was also discharged from the hospital and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Manamadurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

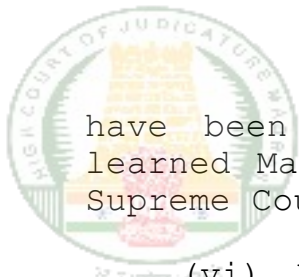
(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) Considering the submission made by the learned counsel for the petitioner that after the occurrence, the petitioner was left the matrimonial home and now she is residing the parents' home at Madurai, the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three days and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

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

sd/-
13/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
MANAMADURAI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. K. NEETHIMOHAN Advocate SR.No.13536

ORDER
IN
CRL OP(MD) No.11318 of 2019
Date :13/08/2019

KM/JC/SAR-II (20.08.2019) 3P 6C