



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11617 of 2019

P. Janaki,

... Petitioner/Accused No.4

Vs

State Rep by

The Inspector of Police,

Kadupatti Police Station,

Madurai District Crime No. 96/19. ... Respondent/Complainant

For Petitioner : M/s. S. Muthalraj,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.96/2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 302, 304, 306 (a) I.P.C r/w 34 of IPC in Crime No.88 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the only allegation against this petitioner is that she gave accommodation to A-1 and victim girl and except the said allegation, no other allegation has been made against her. Hence, he prayed for grant of anticipatory bail to the petitioner.



3.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the allegation against the petitioner is that she gave accommodation to A-1 and the victim girl. Hence, he opposed this petition. However, he fairly conceded that the petitioner has no previous case.

4.Even as per the F.I.R, the main allegations are made against A-1 only. Sofar as this petitioner is concerned, the allegation against her is that she gave accommodation to A-1 and victim girl and except the said allegation, no other allegation has been made against her.

5.Taking into consideration of the aforesaid facts and also the fact that already A-1 to A-3 were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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, No.III, Tuticorin 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

TO

1. THE JUDICIAL MAGISTRATE, NO.III, TUTICORIN
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
3. THE INSPECTOR OF POLICE,
KADUPATTI POLICE STATION,
MADURAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.S.MUTHALRAJ, Advocate Sr. No. 14151

ORDER
IN
CRL OP(MD) No.11617 of 2019
Date : 27/08/2019

TR/JC/SAR-I (05.09.2019) 3P 6C