

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Third day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2065 of 2020

A.GANDHIMATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
B1- TOWN POLICE STATION,
DHARMAPURI
CRIME NO.813 OF 2019

For Petitioner : M/S. P. BAKIYARAJ Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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 offence punishable under Sections 353, 355, 294 (b) and 506 (ii) of IPC in Cr.No. 813 of 2019 dated 18.12.2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Sub Inspector of Police, Dharmapuri Town Police Station. On 14.12.2019, the defacto complainant along with his team was sent to the petitioner's house and arrested her husband /A1. The petitioner along with A1 and A3 abused the defacto complainant with filthy language and threatened the team with veecharuval and assaulted the police with sandals. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would submit that in an earlier occasion the petitioner filed a petition seeking anticipatory bail in CrI.OP.No.1333 of 2020 wherein, the petitioner arrayed as A2, her husband is A1 and this Court imposed a condition to deposit a sum of Rs.3 lakhs for grant of bail. However, in the present petition, it is not a cheating case, to prevent the law enforcing agency for carrying out their official duty, thereby, the police registered a case. He would submit that in an earlier occasion the

petitioner filed a petition for anticipatory bail in CrI.OP.No.94906 of 2019, which was dismissed as withdrawn, on 13.01.2019 and there is change of circumstance, the second anticipatory bail application is filed by her.

4.The learned Additional Public Prosecutor would submit that the petitioner are arrayed as A2 and she restrained and obstructed the law enforcing agency officers for carrying out their official duty and investigation is still pending.

5.Considering the facts and circumstances of the case, 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-I, Dharmapuri, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the All Women Police Station daily at 10.30 a.m. 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]; and;

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

-sd/-
03/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B1- TOWN POLICE STATION,
DHARMAPURI

5 THE OFFICER INCHARGE,
ALL WOMEN POLICE STATION.

+1CC to M/S. P. BAKIYARAJ Advocate on payment of necessary charges SR NO.1999

CRL OP.2065/2020

Date :03/02/2020

MK:10/02/2020

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