

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5861 of 2020

SUMITHRADEVI

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMILNADU

[RESPONDENT]

REP.BY THE INSPECTOR OF POLICE,

DHARAPURAM, P.S.

TIRUPPUR DISTRICT

CR.NO.108 OF 2020

For Petitioner : M/S.M.SHANKAR Advocate

For Respondent : M/S. K.PRABAKAR, 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 offences punishable under Sections 294(b), 323 and 506(ii) of IPC, in Crime No.108 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was grazing his cows, at that time due to previous enmity between the petitioner and the de-facto complainant's owner, the petitioner had assaulted the de-facto complainant and caused injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case and there is no previous case pending as against the petitioner. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant was grazing his cows, at that time due to previous enmity between the petitioner and the de-facto complainant's owner, the petitioner had assaulted the de-facto complainant and caused injuries. He would further submit that the victim has been hospitalized and there is no previous case pending as against the petitioner.

5. Taking into consideration of the facts and circumstances of the case, 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 her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Dharapuram, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, 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/-
13/03/2020

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DHARAPURAM P.S.
TIRUPPUR DISTRICT.

+1 CC to M/S.M.SHANKAR Advocate on payment of necessary charges
SR.No.4981

cs 20/03/2020



CRL OP.5861/2020

Date :13/03/2020

WEB COPY