

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.6218 of 2020

Vijayalakshmi

... Petitioner

Vs.

State rep. by

Inspector of Police,

Perugavazhathan Police Station,

Thiruvarur District.

[Crime No.34 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.34 of 2020, on the file of the respondent police.

For Petitioner : Mr.C.Nirmal krishnan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 147, 341, 427, 294(b), 352 and 506(i) of IPC, in Crime No.34 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Veeramani is that there was a money dispute between the petitioner and the defacto complainant due to which, the petitioner along with the other accused attacked the defacto complainant with wooden log and also caused damage to his car to the value of Rs.40,000/-.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case due to enmity.

4. The learned Additional Public Prosecutor submitted due to money dispute, the petitioner along with other accused assaulted the defacto complainant and also caused damages to his car to the tune of Rs.40,000/-. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that without prejudice to his defence, the petitioner is prepared to deposit the entire value of the damages to the credit of crime number and prays for grant of anticipatory bail to the petitioner.

6. Taking into consideration of the facts and submissions of the learned counsels and that the petitioner has come forward to deposit the entire amount of damages to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand Only) to the credit of Crime No.34 of 2020 and on such deposit, the petitioner is ordered to be released on bail in the event of her 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-II, Mannargudi, Thiruvavur 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m until further orders.

[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 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/10/2020

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.II,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, सत्यमेव जयते
PERUGAVAZHANTHAN POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. G.NIRMAL KRISHNAN Advocate on payment of
necessary charges

CRL OP.6218/2020

Date :08/10/2020

MK:19/10/2020