

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 9175 of 2020

Govindammal ... Petitioner/Accused 2

Vs.

State represented by
The Sub Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
(Crime No.1260/2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner/A2 on bail in the event of arrest pending investigation in Crime No. 1260 of 2020 on the file of the respondent.

For Petitioner : Mr.R.Balakrishnan
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 352, 324, 506(ii) of IPC @ into 294(b), 352, 307 of IPC in Crime No.1260 of 2020, seeks anticipatory bail.

2 The case of the prosecution is that on 26.05.2020 at morning 05.00 hours there was a wordy quarrel between the petitioner's husband, petitioner and the defacto complainant regarding the water dispute for cultivating the land. The petitioner and her husband used filthy language against the defacto complainant and her husband. The defacto complainant was attacked by the petitioner's husband with knife and the defacto complainant was injured on her left thumb and left side ear near face. The defacto complainant's husband was also attacked by the petitioner on the head and back side. Hence the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that there is no previous case against the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor would submit that the petitioner attacked the defacto complainant as such admitted in hospital. Thereafter, the injured was discharged from hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5 Heard both sides and perused the materials placed on record.

6 Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7 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 made ready, before the learned Judicial Magistrate No.II, Thiruvannamalai, 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 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.

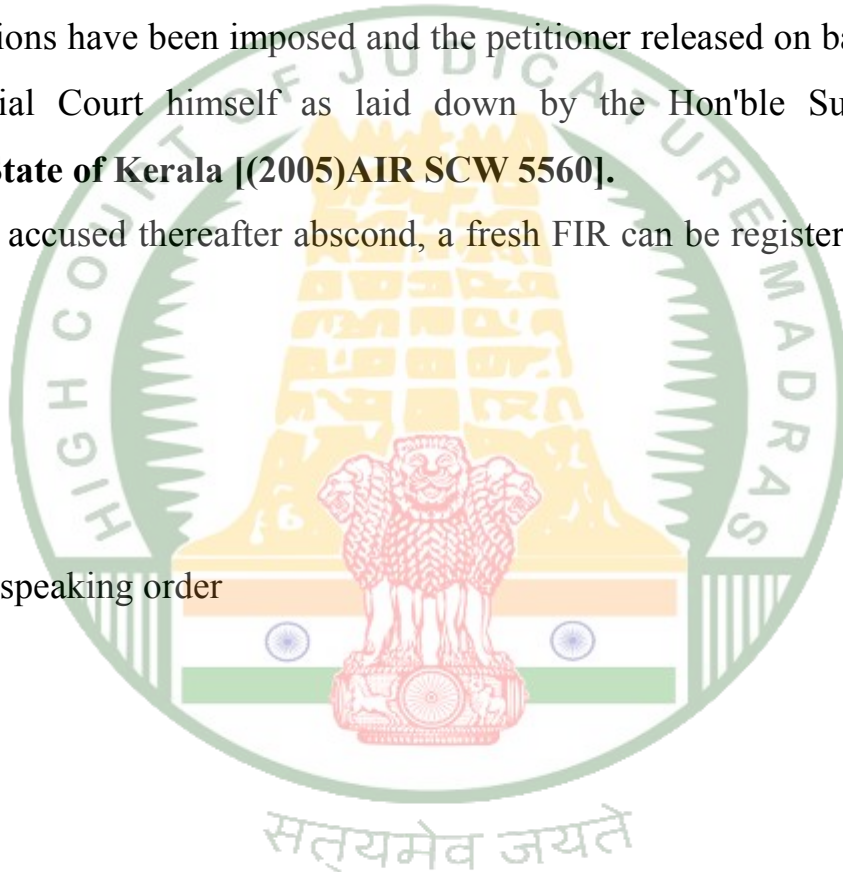
[d] the petitioner shall not abscond either during investigation or trial.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

23.03.2020

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Dua



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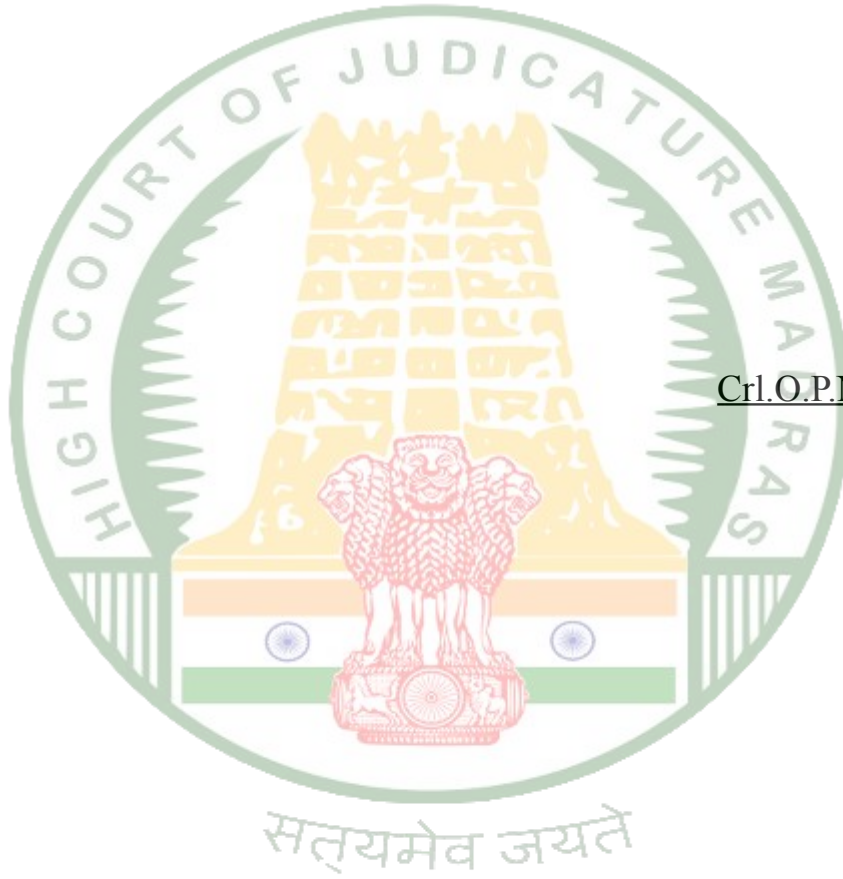
- 1.The Sub Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
- 2.The Judicial Magistrate No.II,
Thiruvannamalai.
- 3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

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