

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10171 of 2020

Mahalakshmi

... Petitioner

Vs.

State Rep by Sub Inspector of Police,
Barur Police Station,
Krishnagiri District

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of her arrest in Crime No.447 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

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

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of Indian Penal Code 1860, in Crime No.447 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that A1 and the defacto complainant were business partners and there was a financial dispute between them, further the de-facto complainant also suspected the petitioner/his wife A2 to have illicit relationship with A1, as a result of which, the petitioner along with A1 had assaulted the de-facto complainant and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the wife of the de-facto complainant and she was living separately from her parent's house. He would further submit that the defacto complainant suspecting that the petitioner had illicit relationship with A1 has falsely implicated her. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a financial dispute between A2 and the de-facto complainant, further he also suspected the present petitioner/his wife A2 to have developed intimacy with A1, as a result of which, the petitioner along with A1 had assaulted the de-facto complainant and caused injuries. He would further submit that the victim has been discharged from the hospital.

5. Considering the above fact 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 made ready, before the learned District Munsif cum Judicial Magistrate, Pochampalli, 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., 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BARUR POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S. D.DAYALAN Advocate on payment of necessary charges

CRL OP.10171/2020

Date : 07/07/2020

GKS (CS) : 07/08/2020

WEB COPY