

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.12631 of 2020

Rani @ Vijayalakshmi,
W/o Elumalai

... Petitioner

Vs.

The State represented by
The Inspector of police,
Thirukoilur Police Station,
Kallakurichi District,
Crime No.1290 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No. 1290 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Ranjith kumar

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323, 324, 355 and 506 (ii) IPC, in Crime No.1290 of 2020, on the file
of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is
that the petitioner and the defacto complainant are adjacent land
owners and due to the dispute of cutting the trees of the defacto
complainant, the petitioner attacked the defacto complainant with
knife on leg. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the
petitioner is innocent and that the petitioner has been falsely
implicated in this case. Hence, he prays for grant of anticipatory
bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that
due to the dispute of cutting the trees of the defacto complainant,
the petitioner attacked the defacto complainant with knife on leg.

He also submitted that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioner and that the victim has also been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thirukoilur on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 daily 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/-
21/08/2020

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,
THIRUKOILUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,
KALLAKURICHI DISTRICT.

CC to M/S.N.RANJITHKUMAR Advocate on payment of necessary charges

CRL OP.12631/2020

Date : 21/08/2020

RD 11/09/2020

सत्यमेव जयते

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