

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.13223 of 2020

Jayamani

... Petitioner

Vs.

State represented by
The Inspector of Police,
Uthiyur Police Station,
Tiruppur District.
(Crime No.740/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime no.740/2020 pending on the file of the respondent police.

For Petitioner : Mr. P.Kalimuthu

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 apprehend arrest at the hands of the respondent police for the offences publishable under Sections 294(b), 323, 324 & 506(ii) IPC in Crime No.740 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner, co-accused and the de facto complainant and it is alleged that the petitioner along with A2 had assaulted the de facto complainant with wooden log on her head and the de facto complainant sustained injury. Hence, the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor would submit that there are two accused in this case and the petitioner is arrayed as A1. He further submitted that due to property dispute the petitioner and co-accused attacked the de facto complainant causing injury on her head and the injured discharged from the hospital. He further submitted that there are no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital and there are no previous cases against the petitioner this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Dharapuram, Tiruppur 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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

-sd/-

28/08/2020

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,
DHARAPURAM, TIRUPPUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

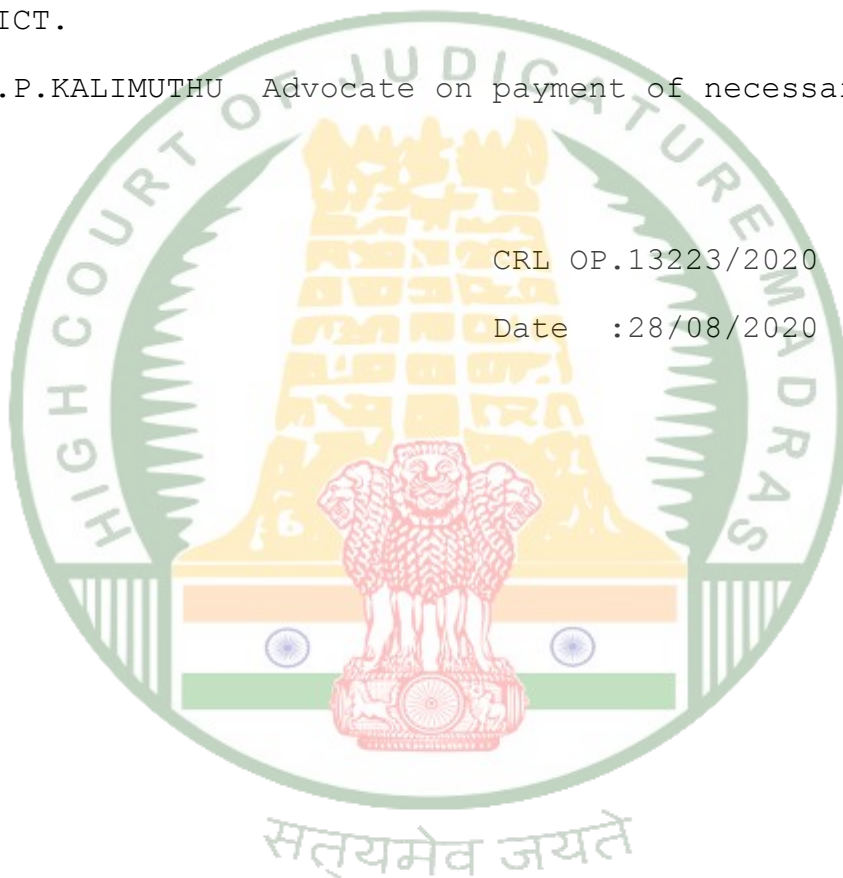
3 THE INSPECTOR OF POLICE,
UTHIYUR POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.13223/2020

Date :28/08/2020

RVR 22/09/2020



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