

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18835 of 2020

Kalavathy .. Petitioner

Vs.

The State rep. by
The Inspector of Police
Sendamangalam Police Station
Namakkal District
Cr.No.207 of 2020 .. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of her arrest in Crime No.207 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Sheik Ismail

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 447, 341, 324 and [*]506(i) of IPC in Crime No.207 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 06.04.2020, at 10.15 a.m while the de-facto complainant was sleeping at his farm land, a group of 5 unknown persons had attacked him with wooden log and thereby he sustained grievous injuries.

3. The learned counsel for the petitioners would submit that the petitioner is innocent and she has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally six accused in this case and the petitioner is added as A2. Due to family dispute, the petitioner along with other accused attacked the de-facto complainant with wooden log on his head and caused injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Sendhamangalam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 for a period of two weeks and thereafter, on every Monday 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/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].

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

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

-sd/-
11/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*]Being mentioned and A further period of two weeks is extended for execution of sureties as per order of this Court dated 15/02/2021

TO

1 THE JUDICIAL MAGISTRATE,
SENDHAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SENDAMANAGALAM POLICE STATION,
NAMAKKAL DISTRICT.

+1CC to M/S.S.SHEIK ISMAIL Advocate on payment of necessary charges SR NO.1695

CRL OP.18835/2020

Date :11/12/2020

MK:16/12/2020

MK:17/02/2021

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