



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2020

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.3127 of 2020

Seetha Lakshmi ... Petitioner/Accused Rant Not Known

Vs

1.State represented by
The Inspector of Police,
All Women Police Station,
Sivagangai.
(Crime No.4 of 2020).

(*) 2.Thaniya, ... Respondents/Complainant

(R2 is suo motu impleaded as per the order of this Court dated 21.02.2020 in Cr1.O.P.(MD)No.3127 of 2020 by GRSJ)

For Petitioner : M/s.K.NAVANEETHARAJA,
Advocate.

For Respondents : Mr.A.Robinson,
Govt. Advocate (Crl.Side) for R1
Ms.Thaniya for R2 (Party-in-Person)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

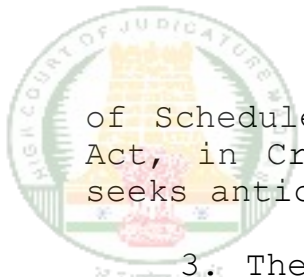
PRAYER :-

for Anticipatory Bail in Crime No.4 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the first respondent and the learned counsel appearing for the second respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences under section 195(A)(ii) @ into Sections 195(A)(ii), 201 and 506(i) of I.P.C. r/w. Section 3(2)(vi)



of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, in Crime No.4 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The defacto complainant was notified and she was also heard in person by this Court. It is seen that the petitioner's husband is facing trial for the offences under Sections 5 and 6 of Protection of Child from Sexual Offences Act, 2012 in S.C.No.15 of 2015 on the file of the learned Mahila Court, Sivagangai. It is alleged that the petitioner's husband and the petitioner went to the house of the victim and fell at the feet of the defacto complainant and begged them not to implicate A1. As a result, the defacto complainant as well as the victim turned hostile in the trial. Subsequently, the victim informed the first respondent about the interference with the course of justice committed by the petitioner and her husband. Thereupon applications have been filed for recalling the witnesses under Section 311 of Cr.P.C. Crime No.4 of 2020 has also been registered.

4. I am of the view while the act committed by the petitioner prima facie amounts to an offence under Section 195(A) of I.P.C., the other offences do not appear to have been committed. In any event, even if the entire allegations are taken to be true, no offence under the SC/ST (POA) Act can be said to be made out. By arresting the petitioner herein no purpose will be served. The petitioner is a woman. She is aged about 40 years and she is a government servant. Her custodial interrogation is not warranted. Hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Sessions Court, Fast Track Mahela Court, Sivagangi, and on her executing 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 Court concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

5. The petitioner shall appear before the concerned Court within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
25/02/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SIVAGANGAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.NAVANNEETHARAJA, Advocate (SR-4040[I] dated
26/02/2020)

ORDER
IN
CRL OP(MD) No.3127 of 2020
Date :25/02/2020

IAS
AE/JC/SAR-IV (28.02.2020) 3P 5C