



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/06/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5616 of 2020

1. Murugesan
2. Rajendran
3. Ramalakshmi

... Petitioners/1st to 3rd Accused

Vs

The State Rep. By
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District
Cr No.234 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran,
Advocate.
For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in cr.no.234 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
324,323, 506(ii) of IPC and Section 4 of TNPHW Act seek anticipatory
bail.

2. The learned counsel for the petitioner would submit that
injuries to the defacto complainant was caused only by A1 and A2,
as per the First Information Report.



3.The learned counsel seeks permission to withdraw the anticipatory bail petition in respect of A1 and A2 and seeks anticipatory bail for A3 on the ground that there is no specific overt act attributed as against the third petitioner. Further third petitioner is the feeding mother and any arrest by the respondent police will cause grave inconvenience to the child and the mother.

4. Taking note of the facts and circumstances , this Court is inclined to grant anticipatory bail to the third petitioner alone.

5. Accordingly, the third 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, Aruppukottai on condition that the third petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh 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 said Magistrate, on further condition that:

[a] The third 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 third petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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)**



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

6. Insofar as the first and second petitioner is concerned, this petition is dismissed as withdrawn.

WEB COPY

sd/-
03/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI
- 2 -DO- THRO THE CHEIF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5616 of 2020
Date :03/06/2020

PD/JC/SAR 2/04.06.2020/3P/5C