



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.5965 of 2020

1. Manjula

2. Jeyamaha

(Wrongly Mentioned as Mahalakshmi)

... Petitioners/Accused No.2&3

Vs

The State Rep. by
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
Cr.No. 97 of 2020.

... Respondent/Complainant

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

PRAYER :-

To release these petitioners/Accused No.2 and 3 on bail in the event of their arrest in Cr.No.97 of 2020 on the file of the Inspector of Police, Narikudi Station, Virudhunagar District.

For Petitioners : Mr.M.Mahendran, Advocate

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 302, 294(b), 323, 324 and 506(ii) of I.P.C., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No. 97 of 2020 on the file of the respondent police, filed this anticipatory bail petition.



3.I indicated to the petitioners' counsel that if the petitioners surrender before the respondent, I would convert this petition into bail petition. Today, when the matter was taken up for hearing, it was submitted that the petitioners surrendered before the respondent yesterday itself, ie., 11.06.2020 and that it was not accepted immediately. But, today, they appear to have been remanded to judicial custody. It is also seen that it was only the first accused who inflicted the fatal injury. The victim was in hospital for about 28 days and thereafter passed away.

4.The learned counsel appearing for the petitioners gives an undertaking that the petitioners will stay away from Virudhunagar District and reside in Madurai for a period eight(8) weeks. He also undertakes that they would not apply for modification or relaxation of this condition.

5.The undertaking given by the petitioners' counsel is recorded. This anticipatory bail petition is converted to a bail petition. The petitioners are women. Keeping them in custody is not going to advance the cause of investigation. Hence they are ordered to be released on bail subject to the following conditions :

(i) The petitioners shall be released on their own bond by the concerned magistrate without insisting on sureties. However, the petitioners are directed to 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 learned Judicial Magistrate, Aruppukottai after the concerned court is reopened.

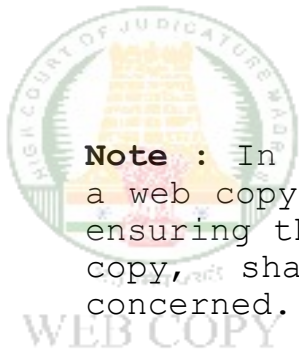
(ii)the petitioners are directed to appear before the respondent police as and when required for interrogation. They will not enter into the Virudhunagar District limits for a period of eight weeks from today and reside in Madurai.

(iii)on breach of any of the aforesaid conditions, the 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 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].

sd/-
12/06/2020

/ 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, ARUPUKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
3. THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE SUPERINTENDENT,
WOMEN PRISON,
CENTRAL JAIL, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5965 of 2020
Date :12/06/2020

SKM
TE/JC/SAR-III : 16/06/2020 : 3P/6C