



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7471 of 2020

Fathima, ... Petitioner/4th Accused
Vs

The State represented by
The Inspector of Police,
All Womens Police Station, Cantonment,
Tiruchirappalli District.
Crime No.13/2020. ... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 13 of 2020 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest
at the hands of the respondent police for the offences punishable
under sections 376, 498(A) and 109 of IPC in Crime No.13 of 2020 on
the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the
wife of A1. In the year 2011, the defacto complainant and other
family members participated joint prayer meeting conducted by A1.
Wherein, A1 said to have given some intoxicating drinks to the
defacto complainant and committed rape and he repeated the same for
several years. In the year 2020, the defacto complainant knew about
that matter and thereafter A1 threatened the defacto complainant and
a complaint has been given. Hence, the crime has been registered.



3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that as per the FIR, she is the wife of A1 only and no other allegation has been made against her. Hence, he seek anticipatory bail.

5. The learned Additional Public Prosecutor submitted that in this case, A1 is the habitual offender and several complaints have been pending against him in similar nature. So far as this petitioner is concerned, she is the wife of A1 only. He further submitted that now the investigation is in progress.

6. Considering the facts and circumstances of the case and as per the FIR, she is the wife of A1 only and no other allegation has been made against her, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 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 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

<https://hccourts.courts.gov.in/Kce6/has> *Govindarajan P. In/ Kce6/has* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/07/2020

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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 JUDGE,
ADDITIONAL MAHILA COURT, TRICHY.
2. THE INSPECTOR OF POLICE,
ALL WOMENS POLICE STATION, CANTONMENT,
TIRUCHIRAPPALLI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7471 of 2020
Date :20/07/2020

vsg
AE/JC/SAR-III (22.07.2020) 3P 4C