



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10216 of 2020

1. Selvi
2. Leema Rose

... Petitioners/Rank not known

Vs

The State Rep. by
The Inspector of Police,
Town North Police Station,
Dindigul.
Crime No. 2481 of 2020.

... Respondent/Complainant

For Petitioners : M/s.K.Arunraj, Advocate.
For Respondent : Ms.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2481 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that A1 in this case said to have borrowed money from the defacto complainant and when he demanded the same all the four accused said to have abused the defacto complainant, assaulted him and also threatened him with dire consequences. Hence the complaint.

4. The learned counsel for the petitioners would submit that only A1 and A2 said to have attacked the defacto complainant and caused injuries, since the petitioners being mother and wife of A1 they have been falsely implicated in this case.



5. The learned Government Advocate(Crl.Side) would submit that due to money dispute all the accused persons said to have attacked the defacto complainant and caused injuries and now A1 and A2 were arrested and still in judicial custody.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the allegations are against A1 and A2 only and the petitioners being womenfolk no specific overt act has been attributed against them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties (common sureties) 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

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

sd/-

24/09/2020

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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 JUDICIAL MAGISTRATE No.II, DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION,
DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10216 of 2020
Date :24/09/2020

AAV
TE/JC/SAR-II : 28/09/2020 : 3P/5C