



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

Date : 16/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11551 of 2020

Chellammal ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Karimedu Police Station
Madurai Dist
Crime No. 304 of 2018. ... Respondent/Complainant

For Petitioner : M/s.I.Muralidharan,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 304 of 2018 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294
(b), 323, 324 and 506 (ii) of IPC, in Crime No.304 of 2018, seeks
anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that due to the family dispute
between A1 and his mother/defacto complainant, the petitioner
assaulted the defacto complainant and criminally intimidated him.
Hence, the complaint.

4.The learned counsel appearing for the petitioner has
submitted the petitioner is an innocent person and she has been
falsely implicated in this case. He further submitted that the
defacto complainant also died and the matter has been amicably
settled between the accused and the defacto complainant's family and
A1 already released on bail. Hence, he prayed anticipatory bail to



5.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the Duo to the family dispute, A1 assaulted the defacto complainant and criminally intimidated her and hence, he opposed this petition. He further submitted that A1 was already released on bail.

6.Considering the facts and circumstances of the case and considering the fact that A1 was already released on bail, this Court is 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned The Judicial, Magistrate Court No.V, Madurai, on condition that the petitioner shall 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 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 his 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 his 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 Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
16/10/2020

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.V,
MADURAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.MURALIDHARAN, Advocate (SR-7104[I] dated
16/10/2020)

ORDER
IN
CRL OP(MD) No.11551 of 2020
Date :16/10/2020

DSS
JM/AKM/SAR IV/22.10.2020/3P/6C