

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.746 of 2021

BANUPRIYA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDIYALUR,
COIMBATORE DISTRICT.
CR.NO.1 OF 2021.

For Petitioner : M/S.V.PURUSHOTHAMAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

For Intervener : M/S.J.NANDAGOPAL, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420, 406, 294(b), 506(i) of IPC and Section 4 of TNPWH Act, in Crime No.1 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had received a sum of Rs.9,00,000/- from the defacto complainant's son. Thereafter, the petitioner along with her family members have entered into the house of the defacto complainant and threatened him with dire consequences. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that co-accused have already been granted anticipatory bail by the Lower Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with her family members have entered into the house of the defacto complainant and threatened him with dire consequences. He would further submit that the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor/defacto complainant would submit that the petitioner along with her family members have demanded huge money and threatened him with dire consequences. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the fact that there is no previous case pending against the petitioner, 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 her appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Additional Mahila Court, Coimbatore, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 appear before the respondent police daily at 10.30 a.m., until further orders.

[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]**.

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

-sd/-
29/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDIYALUR,
COIMBATORE DISTRICT.

+1 CC to M/S.V.PURUSHOTHAMAN Advocate on payment of necessary charges SR.NO.5564

+1 CC to M/S.J.NANDAGOPAL, Advocate on payment of necessary charges SR.NO.5566

CRL OP.746/2021

सत्यमेव जयते
Date :29/04/2021

TA-05/05/2021

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