

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1144 of 2021

Jansi

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Arakkonam Town Police Station
Ranipet District.
(Crime No.833 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No. 833 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.D.K.Nepolean

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of respondent police for the offence punishable under Sections 294(b), 323, 324, 379, and 506(i) of I.P.C., in Crime No.833 of 2020 on the file of respondent police and now, she has filed the above petition seeking for anticipatory bail.

2. This is a case in counter. The case of the prosecution is that while putting up sand for opening a shop near Melpakkam railway gate, there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, she said to have assaulted the defacto complainant. In the said circumstances, the criminal case has been registered against her and now, she is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that there is a family dispute between the parties. He would submit that while putting up sand for opening a shop near Melpakkam railway

gate, there was a wordy quarrel between the parties. He would submit that she is an innocent person, she is no way connected with the offence as alleged in the complaint and she has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that while putting up sand for opening a shop near Melpakkam railway gate, there was a wordy quarrel between the petitioner and the defacto complainant, in which, she has assaulted him. He would submit that the injured was discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration the fact that the occurrence took place due to a dispute arose while putting up sand for opening a shop, there was a wordy quarrel between the parties, thereby caused injury to the defacto complainant, and now, the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before **the learned Judicial Magistrate, Arakkonam** on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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] ;

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
27/01/2021

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 JUDICIAL MAGISTRATE,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
RANIPET DISTRICT.

+1 CC to M/S.D.K.NEPOLEAN Advocate on payment of necessary
charges SR.NO.943

CRL OP.1144/2021

Date :27/01/2021

TA-02/02/2021

WEB COPY