

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3568 of 2021

R.Selvi

... Petitioner

Vs.

The State Rep by its,
The Inspector of Police,
Sulthanpettai Police Station,
Coimbatore District.
(Crime No.466 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 Cr.No.466 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.S.Karthikeyan,
APP

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of I.P.C. in Crime No. 466 of 2020, on the file of the respondent police, and now, she has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that it is a case in counter. Due to a land dispute, there was a wordy quarrel between the petitioners and the defacto complainant, both of them are said to be close relatives. The petitioner has also given a counter complaint in Crime No.470 of 2020. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that it is case in counter. He would submit that earlier, the petitioners have given a complaint, which was registered in Crime No.470 of 2020, as a counterblast, the present complaint has been filed. He would submit that she is an innocent person and she is no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that it is a case in counter and now the investigation is almost completed. He would submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the occurrence was taken place due to a wordy quarrel between the parties, now it is stated that a counter case was registered against the defacto complainant, the injured was discharged from the hospital, and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 Judicial Magistrate, Sulur on condition that the petitioners 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.

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

-sd/-

24/02/2021

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,
SULUR

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SULTHANPETTAI POLICE STATION,
COIMBATORE DISTRICT

CC to S/O.K.MYILSAMY Advocate on payment of necessary charges
Sr.2311

CRL OP.3568/2021

Date :24/02/2021

RVR 05/03/2021

सत्यमेव जयते

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