



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Thursday, the First day of April Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6583 of 2021

KALYANII

[PETITIONER / ACCUSED ]

Vs

THE STATE REP. BY  
THE INSPECTOR OF POLICE,  
VAAZHAPADI POLICE STATION,  
SALEM DISTRICT. CRIME NO.109/2021

[RESPONDENT]

For Petitioner : M/S.F.WELLINGTON Advocate

For Respondent : MR.S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 448, 506(ii) and 379 of IPC in Crime No.109 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that there is property dispute between the petitioner and the defacto complainant. The defacto complainant is the mother of the petitioner. The petitioner is said to have attacked the defacto complainant and stolen gold chain. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a joint family property and the defacto complainant/mother, wants to give the property to the temple. Hence, there was a wordy quarrel between them for which a false complaint has been given against her. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner and other abducted the defacto complainant and also stolen gold chain. Hence, he opposed to grant anticipatory bail to the petitioner.



5. Taking into consideration the nature of offence and also taking note of the fact that the dispute is between the mother and daughter in respect of the family property, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned Judicial Magistrate No.6, Salem District, 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 condition 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 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].

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

-sd/-

01/04/2021

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 JUDICIAL MAGISTRATE NO.6,  
SALEM DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE  
SALEM DISTRICT. (FOR INFORMATION)

3. THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4. THE INSPECTOR OF POLICE,  
VAAZHAPADI POLICE STATION,  
SALEM DISTRICT.

CC to M/S.F.WELLINGTON Advocate on payment of necessary charges

CRL OP.6583/2021

Date :01/04/2021

TK/20.04.2021