



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19466 of 2021

1 N.HEPHZIBA [PETITIONER / ACCUSED]
2 JOYCE CHRISTY YAGAPPAN

Vs

THE STATE OF TAMILNADU REP.BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.
CRIME NO.558 OF 2021.

For Petitioner : M/S.R.NARAYANAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

For Intervener : M/S.P.KANNAN, Advocate

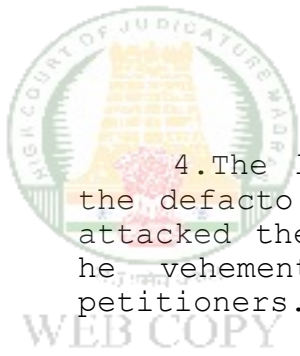
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 324 and 506(1) of IPC in Cr.No.558 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner/A-1 were husband and wife and there was matrimonial dispute between them. Thereafter, the defacto complainant and his wife were called for enquiry to the office of Deputy Superintendent of Police, when attending the same, the petitioner/A-1 and petitioner/A-2, who is the mother-in-law of the defacto complainant have abused the defacto complainant in filthy language and attacked him. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and further submits that the petitioners herein are ladies. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) submits that when the defacto complainant came to attend the enquiry, the petitioners attacked the defacto complainant in front of the DSP office. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. The learned counsel appearing for the Intervenor submits that the petitioner/A-1 refused to live with the defacto complainant. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

6. Considering the allegation levelled against the petitioners and it appears to be matrimonial dispute between the petitioner/A-1 and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Katpadi, Vellore District**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
25/10/2021

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,
KATPADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.R.NARAYANAN Advocate on payment of necessary charges SR.NO.11744

CRL OP.19466/2021

Date :25/10/2021

TA-01/11/2021