



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20876 of 2021

SHANTHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT
(CRIME NO.233/2021)

[RESPONDENT]

For Petitioner : M/S.C.DEEPAK KUMAR Advocate

For Respondent : MR.A.GOKULAKRISHNAN 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, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353 and 506(ii) of the IPC, in Crime No.233 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 08.06.2021, on secret information, the Special Sub Inspector of Police, Mettur, along with his police party was conducting search at North Unjakkorai. At that time, they found 20 liters of ID arrack in a land belongs to one Arjunan and seized the same. Thereafter, they were searching for the accused near the petitioner's residence. At that time, the petitioner, her husband, son along with some other persons abused the police officials in filthy language and thereafter, they took the seized liquor can kept in the vehicle of the defacto complainant and poured it on the police officials and threatened them with dire consequences. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is a lady and she has nothing to do with the alleged offence and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor raised formal objection stating that the petitioner along with other accused abused and threatened the defacto complainant with dire consequences. However, no one was injured during the incident.

5.Considering the facts and circumstances of the case and the fact that no one got injured during the incident, 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 of receipt of a copy of this order, before the Learned Judicial Magistrate-I, Mettur, 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 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 Court concerned 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 for a period of two weeks and thereafter 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

08/11/2021

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.I, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges

CRL OP.20876/2021

Date :08/11/2021

APN 17/11/2021