

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Cr1.O.P.No.25902 of 2021

Dhanalakshmi

...Petitioner

Versus

State rep.by
The Inspector of Police,
Moranam Police Station,
Tiruvannamalai,
Tiruvannamalai District.
Cr.No.247 of 2021

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on Anticipatory Bail in the event of his arrest by the respondent police in Crime No.247 of 2021, on the file of the respondent police.

For Petitioner : Mr.R.Sagadevan

For Respondent : MR.L.A.J.SELVAM, Govt. Advocate (Cr1.Side)

O R D E R

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b) & 324 of IPC, in Crime No.247 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are adjacent land owners and they are having previous enmity in respect of grazing of cow in the agricultural land. On 14.07.2021, the defacto complainant's cow grazed in the agricultural land of the petitioner and the petitioner has raised certain issue with the defacto complainant. On 15.07.2021, the defacto complainant, in this case, assaulted this petitioner and has also outraged her modesty and therefore, the petitioner has lodged a complaint against the defacto complainant before the respondent police and the same was registered in Cr.No.246 of 2021 for the offence under Sections 294(b), 323, 324, 354(D) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002 and she was also admitted in the Government Hospital, Cheyyar, for treatment. As a counter complaint, the present case is foisted as if this

petitioner had bitten the finger of the defacto complainant and a counter case is also registered in Cr.No.247 of 2021.

3. The learned counsel appearing for the petitioner submitted that due to enmity between the petitioner and the defacto complainant, a false case has been foisted against the petitioner and also as a counter blast in Cr.No.246 of 2021, the present case has been foisted against the petitioner. He prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is a case in counter and that the incident was taken place on 15.07.2021 and both the petitioner and the defacto complainant quarrelled with each other and this petitioner is said to have bitten the right hand little finger of the defacto complainant and the finger is also amputated and according to him, a portion of ear was also be amputated. He further submits that there is no antecedents against the petitioner. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the occurrence was taken place on 15.07.2021 and the case was registered as a case in counter and both the petitioner and the defacto complainant are adjacent land owners having dispute with regard to grazing of cow and that the petitioner being woman aged about 48 years and that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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, Cheyyar, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. For a period of three weeks and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 is 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

29/12/2021

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,
CHEYYAR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
MORANAM POLICE STATION,
TIRUVANNAMALAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.SAGADEVAN Advocate on payment of necessary charges
Sr.15678

CRL OP.25902/2021

Date :29/12/2021

RVR 30/12/2021