



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5576 of 2021

Arulmozhi

.. Petitioner/Accused No.4

Vs

The Station House Officer,
Sambavar Vadakarai Police Station,
Tirunelveli District,
Crime No.86/2021.

... Respondent/Complainant

For Petitioner : M/s.Arun Swaminathan.Rm,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

To Anticipatory Bail in Crime No.86/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.86 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 24.03.2021, when the defacto complainant was going to the festival of Kulasekara Amman Temple, the petitioner herein and other accused persons attacked the defacto complainant by using wooden stick.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submitted that it is a case in counter, earlier the petitioner was attacked by the defacto complainant and hence, the petitioner has given a complaint against



the defacto complainant and the same was registered in Crime No.87 of 2021, for the offence under Sections 147, 294(b), 324 and 506(i) I.P.C. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that the injured person has already been discharged from the hospital.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

6.It is seen from the submissions made that the dispute is with regard to the worshipping at the temple and the petitioner and the defacto complainant attacked each other and got injured. Considering the nature of occurrence and also considering the fact that it is a case in counter and the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Shencottah, Tenkasi District, on condition that the petitioner 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 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, being a lady, shall report before 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.

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19.04.2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, SHENCOTTAH,
TENKASI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE STATION HOUSE OFFICER,
SAMBAVAR VADAKARAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5576 of 2021

Date : 19/04/2021

VB/PN/SAR-IV (22/04/2021) 3P / 5c