



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.6054 of 2021

Pandeeswari ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Dindigul Town West Police Station,
Dindigul District.
Cr.No. 173 of 2019.

... Respondent/Complainant

For Petitioner : MR.R.KATHIRESAPERUMAL ,
Advocate.

For Respondent : MR.KR.BHARATHIKANNAN,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.173 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 333, 506 (i) and 379 of IPC in Crime No.173 of 2019 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3.The case of the prosecution is that the petitioner and the de-facto complainant are neighbours. Due to money dispute, on 22.06.2019 at about 12.00 noon, when the de-facto complainant was standing near her house, the accused came to her house and when she was talking to pending monetary dispute, the petitioner said to have attacked and pushed her down. A-2(Thangapandian) snatched her 3 Sovereigns of gold chain and attacked her and also abused her with filthy language. Hence, the complaint.



4.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side) would submit that the injured has been discharged from the hospital and that the second accused has already been granted bail.

6.Taking note of the nature of the offence, the second accused was already arrested and later released on bail and the injured has 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 her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Dindigul, and on her executing 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 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 Aadhar cards or Bank pass Books to ensure their identity;

(b)the petitioner shall report before the respondent police, daily, at 10.30 a.m., until further orders;

(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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28.04.2021

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



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 No.I, Dindigul.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Inspector of Police,
Dindigul Town West Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.6054 of 2021

Date : 28/04/2021

VB SKN SAR IV(05/05/2021) 3P / 5c