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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6529 of 2021

Victoriya.J

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
All Women Police Station, Cantonment,
Trichy City,
Cr. No.9 of 2021.

... Respondent/Complainant

For Petitioner : M/s.B.Jameelarasu,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr. No.9 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 494, 294(b) and 506(i) of I.P.C., in Crime No.9 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the first accused married the defacto complainant on 01.09.2019 and they have three children out of their wedlock. The first accused is having illicit relationship with the petitioner. Hence, the present complaint.

4. The learned counsel for the petitioner submitted that the petitioner is not having any illicit relationship with A1 and no material is produced by the prosecution. Hence, the learned counsel for the petitioner prays for anticipatory bail.



5. The learned Government Advocate (Crl. Side) submits that the investigation is pending and the custodial interrogation of the petitioner is necessary for investigation. Hence, he prays for dismissal of the anticipatory bail petition.

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6. Considering the facts and circumstances of the case and the petitioner is a woman and no material is produced by the prosecution, 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 Additional Mahila Court (Magistrate Level), Trichy, 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 to 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 shall report before the respondent police every Monday at 10.30 a.m for a period of eight 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.

sd/-

06.05.2021

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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 ADDITIONAL MAHILA COURT (MAGISTRATE LEVEL), TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CANTONMENT,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6529 of 2021

Date : 06/05/2021

VB VR SAR IV(17/05/2021) 3P / 5c