



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.6621 of 2021

M.Akshaya ... Petitioner/Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai District.
Crime No.25 of 2021.

... Respondent/Complainant

Kalai Arasi ... Intervening Petitioner/ Defacto
Complainant/ Defacto Complainant

For Petitioner : Mr.R.Anand, Advocate for
MR.A.Ananda Raj, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

For Intervenor : Mr.V.Kathirvelu, Senior Counsel
for Mr.S.Sathishkumar, Advocate.

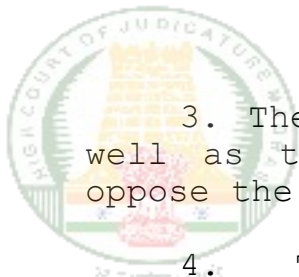
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.25 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned Counsel for the petitioner, learned Additional Public Prosecutor for the respondent and learned Senior Counsel for the intervenor.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 494 and 498(A) IPC, in Crime No.25 of 2021 on the file of the respondent police, seeks anticipatory bail.



3. The learned Senior Counsel appearing for the intervenor as well as the learned Additional Public Prosecutor would strongly oppose the grant of anticipatory bail.

4. This Court, vide order, dated 30.11.2021 in W.P.(MD)No.20118 of 2021, has also issued certain directions with regard to the matrimonial complaint given by the defacto complainant. In view of the said development, I am of the view that the custodial interrogation of the petitioner is not really warranted.

5. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Additional Mahila Court, Madurai, 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 on 09.12.2021, 10.12.2021, 11.12.2021 at 10.30 a.m. 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/-
06/12/2021

/ TRUE COPY /

/ /2021
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,
ADDITIONAL MAHILA JUDGE, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THALLAKULAM,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1 CC to Mr.A.ANANDARAJ, Advocate (SR-8973[I] dated 08/12/2021)
- +1 CC to Mr.S.SATHEESH KUMAR, Advocate (SR-8905[I] dated 07/12/2021)
- +1 CC to Mr.A.ANANDARAJ, Advocate (SR-8945[I] dated 08/12/2021)

ORDER
IN
CRL OP(MD) No.6621 of 2021
Date :06/12/2021

MGA
MK/PN/SAR.III/08.12.2021/3P/8C