



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7070 of 2021

Saroja @ Saraswathi

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.
Crime No.106 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Srinivasaragavan K, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in the Crime No.106 of 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 offences punishable under Sections 294(b), 341, 323, 324, 506(2) of IPC in Crime No.106 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that land dispute exists between the petitioner and the defacto complainant and because of the dispute, the petitioner and other accused abused the defacto complainant and also assaulted him. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the first accused was already granted bail by the trial court. Hence, he seeks anticipatory bail for the petitioner.



5. The learned Additional Public Prosecutor (criminal side), on instructions, submitted that the injured has been discharged from the hospital.

6. It is seen that all other offences except 506(ii) of IPC are bailable offences. Further, the first accused was already granted bail by the trial court. Considering the above facts and circumstances of the case and also considering the impact of covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and unwarranted in the interest of public at large. Hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. The petitioner shall in the event of arrest by the respondent police or on her surrender before the learned District Munsif cum Judicial Magistrate, Alangudi within a period of one month from the date of resumption of regular work in the Court below, be released on bail on her executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate and on further conditions that:

(a) 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 appear before the respondent police, as and when required;

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

sd/-

26/05/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ALANGUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KEERAMANGALAM POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7070 of 2021
Date :26/05/2021

MBI
TE/VR/SAR-IV : 02/06/2021 : 3P/5C