



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD)No.9680 of 2021

Gandhi @ Gandhimathi

... Petitioner / Sole Accused

Vs

The State Represented by
The Inspector of Police,
KK Nagar Police Station,
Trichy District.
(In Crime No.342 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Abdul Kabur

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.342 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 alleged offences punishable under Sections 294(b), 323, 506(ii) IPC in Crime No.342 of 2021, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that the petitioner is residing in D block's downstairs and the defacto complainant is residing in upstairs in an apartment. There is a dispute between them with regard to the disposal of garbage and hence, a wordy quarrel arose between them, resulting in causing injuries on the defacto complainant. He further submitted that the injured person had been discharged from the hospital.



3.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the defacto complainant had been discharged from the hospital.

4.Considering the submission of the learned Government Advocate (Crl.side) that the injured person had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

5.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 No.II, 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 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 respondent police daily at 10.30 am., 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.

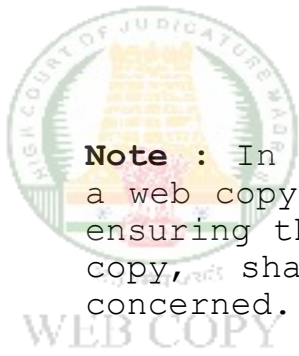
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/07/2021

/ 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 NO.II,
TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KK NAGAR POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9680 of 2021
Date :22/07/2021

GNS
SS/JC/SAR-IV/26.07.2021 : 3P/5C