



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.10034 of 2021

WEB COPY

V.Manimegalai

... Petitioner/Accused A7

Vs

State through
The Inspector of Police,
Kombai Police Station,
Theni District.
In Cr.No.279 of 2021

... Respondent/Complainant

For Petitioner : M/S.GAYATHRI, Advocate
for Mr.William Christopher.J,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 279 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
306 r/w Section 116 IPC and Section 4 of the Tamil Nadu Prohibition
of Harassment of Women Act 2002 altered into 306 IPC and Section 4
of the Tamil Nadu Prohibition of Harassment of Women Act 2002 in
Crime No.279 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute,
the petitioner and other accused abused the defacto complainant by
criticizing her character and therefore, the defacto complainant
poured kerosene and set fire on herself and succumbed due to the
burn injuries, on 27.06.2021.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and she has not committed any
offence as alleged by the deceased and there was a motive between
the defacto complainant's family and petitioner's family with regard
to the property, which was also admitted in the complaint of the
deceased.



4. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent police.

5. Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner and also the fact that there was a property dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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, **(*)Bodinayakkanur**, 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 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 Aadhaar 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 the 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.

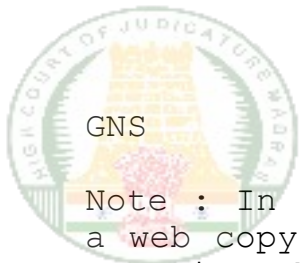
Sd/-

06/08/2021

**(*)Amended as per order of this Court
dated 06/09/2021 in CRL MP(MD) No.6647
of 2021 in CRL OP(MD) No.10034 of 2021.**

/ TRUE COPY /

/ /2021



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

TO BE SUBSTITUTED WITH THE ORDER DATED 06/08/2021 ALREADY DESPATCHED.

**(*) 1. THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR.**

2. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

4. THE INSPECTOR OF POLICE,
KOMBALAI POLICE STATION,
THENI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to Mr. William Christopher.J, Advocate, Sr.No.25686

ORDER

IN

CRL OP(MD) No.10034 of 2021

Date : 06/08/2021

VB/VR/SAR.III/18.08.2021/3P/6C
MK/PN/SAR.IV/15.09.2021/3P/6C