



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10008 of 2021

Rajeswari

... Petitioner/Accused No.10

Vs

State Rep by
The Sub Inspector of Police,
Alangudi Police Station,
Pudukkottai District
Cr.No.429/2021).

... Respondent/Complainant

For Petitioner : M/s.Rameshkumar. D,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 429 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
147, 148, 448, 294(b), 323, 324, 427 and 506(2) I.P.C and Section 4
of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime
No.429 of 2021 on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that due to pathway dispute
between the parties, the petitioner assaulted the defacto
complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. Due to previous enmity with regard to land dispute, the petitioner's name was falsely implicated. He would further submit that accused no.2 in this case was arrested and released on bail. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the victim was treated as out-patient and A2 in this case was arrested and released on bail.

5.Taking into consideration the facts and circumstances of the case, the nature of offence committed by the petitioner, there is no specific overt act against this petitioner and the victim was also treated as out patient in the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi, Pudukkottai District, 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 learned 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 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

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

ORDER
IN
CRL OP(MD) No.10008 of 2021
Date :04/08/2021

PKP/PN/SAR4 09/08/2021 : P4: 5C