



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

Date : 18/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.11018 of 2021

K.Bhuvaneswari

... Petitioner/Accused No.1

Vs

The State rep.by
The Sub Inspector of Police,
Mathichayam Police Station
Madurai
Crime No.399 of 2021

...Respondent/Complainant

For Petitioner : Mr.S.CHANDRASEKARAN,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

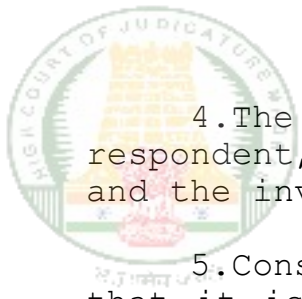
For Anticipatory Bail in Crime No.399 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 323 and 448 I.P.C r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.399 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are daughter and mother. Due to property dispute between themselves, the present case has been registered.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, she has not committed any offence as alleged by the prosecution, but she has been falsely implicated in this case. He further submits that a counter case has been registered in Crime No.400 of 2021 against the de-facto complainant and it is pending.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that it is a counter case and the investigation in this case is yet to be completed.

5.Considering the facts and circumstances of the case, the fact that it is a civil dispute and a counter case has been registered against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 Additional Mahila Court (Magistrate Level), District Court Campus, 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 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 Aadhaar 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 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]***; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

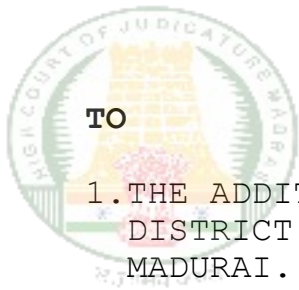
18/08/2021

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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 ADDITIONAL MAHILA JUDGE (MAGISTRATE LEVEL),
DISTRICT COURT CAMPUS,
MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
MATHICHAYAM POLICE STATION
MADURAI

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

+1. CC to Mr.S.CHANDRASEKARAN, Advocate SR.No.5547

ORDER

IN

CRL OP(MD) No.11018 of 2021

Date :18/08/2021

SA/JC/SAR.2/27.08.2021/3P/6C