



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11597 of 2021

Vadivoo @ Sudalai Vadivu,

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Kalakad Police Station,
Tirunelveli District
(Crime No.314 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Kishok Kumar.V.S,
Advocate.

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

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

PRAYER :-

Anticipatory Bail in Crime No.314 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 offence punishable under Sections
294(b), 324, 506(ii) and 379 IPC and Section 4 of the Tamil Nadu
Prohibition of Harassment of Women Act in Crime No.314 of 2021,
seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the
defacto complainant are neighbours and there is a property dispute
between their families. On 18.07.2021 there arose a quarrel between
them in respect of breaking of a kadappa stone, wherein the
petitioner and her family members assautled the *defacto* complainant,



his wife and children with crowbar. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and she has not committed any offence, however, she has been falsely implicated in this case. Further this is a second bail application. At the instance of the petitioner a counter complaint has been registered in Crime No.315 of 2021. Moreover co-accused in this case has been granted anticipatory bail by this Court in Crl.OP(MD)No.9938 of 2021, dated 27.07.2021.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that in a property dispute between the parties, the occurrence has taken place. It is a case in counter and the petitioner has one previous case.

5.In reply to the above, the learned Counsel for the petitioner submitted that the petitioner is ready to file an undertaking affidavit before the trial Court and the respondent police that she would not create any problem in future in this regard.

6.Considering facts and circumstance of the case, the nature of allegations levelled against the petitioner and the petitioner's undertaking that she would not cause any trouble, this Court is inclined to grant anticipatory bail to the petitioner.

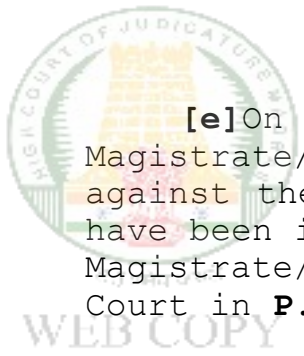
7.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Nanguneri, on condition 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 the respondent police as and when required.

[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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/08/2021

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/ /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, Nanguneri.
- 2.Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
- 3.The Inspector of Police,
Kalakad Police Station, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11597 of 2021
Date : 24/08/2021

TR/VR/SAR-IV(27.08.2021) 3P 5C