



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11419 of 2021

Selvi

... Petitioner/Accused No.2

Vs

State rep. by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
[Crime No.233 of 2021]

... Respondent/Complainant

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

For Respondent : M/s.T.Senthilkumar,
Government Advocate (Crl.Side)

For Intervenor : M/s.L.Chandrasekaran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.233 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 109 and 302 IPC in Crime No.233 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had assaulted the defacto complainant's mother with aruval and killed her. Hence the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent and she has not involved in such an offence. The deceased used abuse the petitioner whenever, she passed through her house and therefore, the petitioner had earlier lodged a complaint as against the deceased and the same was treated as petition enquiry in CSR No.379 of 2021 and the same was closed after enquiry. On the date of occurrence also, the deceased abused the petitioner and the petitioner left the place without giving any reply. Infuriated over this incident, accused No.1 assaulted the deceased and caused injury. However, the complaint has been lodged as against the entire family members including the daughter of the petitioner, who is a school going student. Moreover, the co-accused has been granted bail with a condition to reside at Palladam.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the investigation is yet to be completed.

5.It appears that there existed a civil dispute between two family members. Considering the nature of allegation against this petitioner and grant of bail to the co-accused to reside out of the occurrence place, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
15/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
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,
Devakottai.
- 2.The Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2. CC to M/S. RAJABOOPATHY.D Advocate SR.No.6310

ORDER
IN
CRL OP(MD) No.11419 of 2021
Date :15/09/2021