



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11504 of 2021

Vaneeswari

... Petitioner/Accused No.13

Vs

The State rep.by,
The Sub Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
Crime No.115 of 2021.

... Respondent/Complainant

For Petitioner : MR.M.JOTHIBASU, 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.115 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A13 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 341, 506(i) I.P.C r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.115 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute between the petitioner and the defacto complainant, the petitioner along with other accused abused the defacto complainant in filthy language and also threatened her with dire consequences. Hence, the complaint.

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.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that totally 14 accused are there in this case. The petitioner is accused no.13. He would further submit that the co-accused in this case were already granted anticipatory bail in Crl.O.P(MD).No.10205 of 2021 on 30.07.2021.



5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and also the fact the co-accused namely accused nos. 1 to 6, 9 to 12 and 14 were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Judicial Magistrate No.II, Sivakasi, Virudhunagar 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 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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/ /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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE
M.PUDHUPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-5507[I] dated 19/08/2021)

ORDER

IN

CRL OP(MD) No.11504 of 2021

Date :18/08/2021

MSA

SA/VR/SAR.3/06.09.2021/3P/6C