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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12986 of 2021

Eswari

... Petitioner/Accused No.2

Vs

State rep.by

The Inspector of Police,
Kenikarai Police Station,
Ramanthapuram District.
(Crime No.164 of 2021)

... Respondent/Complainant

For Petitioner : M/s. Senthil Ayyanar.M, Advocate.

For Respondent : M/s.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.164 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 294(b), 323, 506(ii), 195(A) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.164 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioner herein abused the defacto complainant, assaulted her and also threatened her with dire consequences. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that this Court, vide order dated 31.03.2021, in CrI.O.P.(MD)No.4922 of 2021, granted anticipatory bail to the petitioner. Since the petitioner could not arrange the sureties and get VAO certificate in time, she filed a petition for extension of time in CrI.M.P.(MD) No.5524 of 2021, that was dismissed by this Court on 09.08.2021. Hence, the petitioner has moved the second anticipatory bail petition.

4. The learned Government Advocate (CrI. Side) affirmed the submission made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the petitioner was already granted anticipatory bail by this Court, this Court is inclined to allow the second anticipatory bail petition.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed 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 No.II, Ramanathapuram, 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 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 is 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.

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Sd/-
09/09/2021

/ TRUE COPY /

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

OGY

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 No.II,
Ramanathapuram.
2. The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12986 of 2021
Date :09/09/2021