



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

Date : 20/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.13668 of 2021

WEB COPY

A.Akila,

... Petitioner/Accused No.2

Vs

The Sub Inspector of Police,
Kottar Police Station,
Kottar,
Kanniyakumari District.
(Crime No. 760 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Arumugam C.M.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

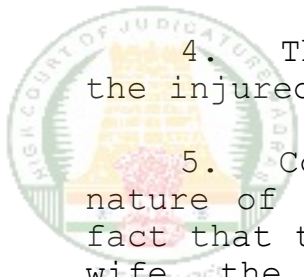
For Anticipatory Bail in Crime No.760 of 2021 on the file of the respondent Police.

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), 324 and 506(ii) IPC, in Crime No.760 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with her uncle attacked the defacto complainant and caused injury.

3. The learned counsel for the petitioner submits that the petitioner is the wife of the defacto complainant. There was a strained relationship between them. The petitioner also filed a petition to dissolve the marriage in H.M.O.P.No.32 of 2021 before the Sub Court, Valliyoor. While so, on 07.09.2021, at about 8.30 p.m. when the petitioner was on her way to office along with her uncle, the defacto complainant intercepted them and created a problem with her uncle and also pushed her down. On seeing the attitude of the defacto complainant, some of the public assaulted the defacto complainant and taking advantage of the same, he foisted this false complaint.



4. The learned Government Advocate (Crl. Side) submits that the injured has been discharged from the hospital

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the defacto complainant and the petitioner are husband and wife, the petitioner already filed a petition for dissolution of marriage and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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, Nagercoil, on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Aadhar 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 evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

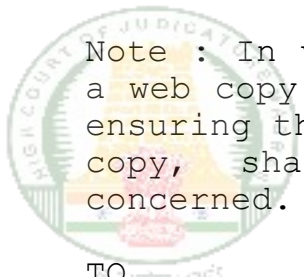
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
20/09/2021

/ TRUE COPY /

/ /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 NO-II,
NAGERCOIL, KANYAKUMARI DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

3. THE SUB INSPECTOR OF POLICE,
KOTTAR POLICE STATION, KOTTAR,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-6444[I] dated 21/09/2021)

ORDER IN
CRL OP(MD) No.13668 of 2021
Date :20/09/2021

SB/SKN/SAR-III/24.09.2021/3P/6C