



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.15938 of 2021

Bhavani, ... Petitioner/Accused(Rank not Known)

Vs

State Rep by
The Inspector of Police,
Vathalai Police Station,
Trichy District,
(Crime No. 327 of 2021). ...Respondent/Complainant

For Petitioner : Mr.Lenin Kumar.T,
Advocate.

For Respondent : R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 327 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 offences punishable under Sections 294(b) and 302 of IPC in Crime No.327 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a quarrel between the defacto complainant's family and the petitioner's family, with regard to the land dispute and on 24.09.2021, the petitioner's brother-in-law attacked the defacto complainant's husband with stone and he succumbed injury. Hence, the present case came to be registered.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He would further submit that at the time and place of the occurrence, the petitioner was not present and co-accused has been released on bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the investigation is pending.

5.Taking into consideration the facts and circumstances of the case, the fact that the petitioner was not present at the place and time of the occurrence and also the fact that the co-accused has been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Musiri, on condition that the petitioner 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 learned Magistrate may obtain a copy of their Aadhaar cards or bank pass books to ensure their identity;

(b) the petitioner shall report before 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]***; and;



(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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12/10/2021

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

SM/GBG

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, Musiri.
2. Do Through The Chief Judicial Magistrate,
Trichy.
3. The Inspector of Police,
Vathalai Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.15938 of 2021
Date :12/10/2021

TR/SKN/SAR-I(20.10.2021) 3P 5C