



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3333 of 2022

SASIKALA PUSHPA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
JJ NAGAR POLICE STATION,
CHENNAI
CRIME NO.78/2022

[RESPONDENT]

For Petitioner : G.MANIPRABHU Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 341, 323 and 506(1) of IPC, in Crime No.78 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Presiding Officer-Appellate Committee of AICTE, Govt of India. While so, on 13.01.2022, when the defacto complainant returned to his home in Chennai at about 03.00 a.m, after completing his official work in Madurai. To his shock, the petitioner, who is the wife of the defacto complainant had allowed the entry of A1 and A2 who was in an improper attire into his house. Hence the present case has been registered by the Law Enforcing Agency for the above said crime.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the present case has been registered upon the complaint given by the defacto complainant for the family dispute. According to him, custodial interrogation may not be necessary. Hence,he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised an objection stating that the investigation is pending.

5. The submissions made by the learned Counsels appearing for either sides are considered. It is seen that the respondent police registered the case against the petitioner for the offence punishable under Sections 341, 323 and 506(i) of IPC, except 506(i) of IPC, other offences are bailable in nature. Further, considering the nature of offence committed by the petitioner, the question of custodial interrogation may not be required. Admittedly, none have sustained injury in the alleged occurrence. Hence, taking note of all the above said aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Metropolitan Magistrate No.XXI, Egmore, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.00 a.m., for a period of 15 days;

(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]; and;

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

-sd/-

11/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XXI, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
JJ NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to G.MANIPRABHU Advocate on payment of necessary charges
SR.NO.2292

CRL OP.3333/2022

Date :11/02/2022

RW 17/02/2022