



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4025 of 2022

1 R.KALPANA

[PETITIONERS / ACCUSED]

2 S.MALAR

3 P.S.SANGEETHA

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
M-3 PUZHAL POLICE STATION,
CHENNAI 600 066
(CRIME NO.372 OF 2022)

For Petitioners : M/S C.D .JOHNSON Advocate

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

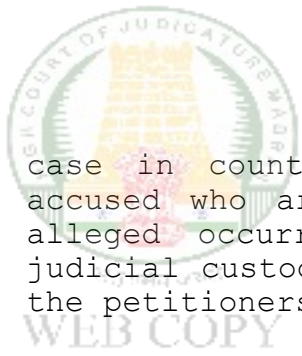
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 147, 148, 323, 324, 294(b), 307 now altered to 302 of IPC, in Crime No.372 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.Totally there are six accused in this case. The petitioners herein are A2, A5 and A6. The case of the prosecution is that the petitioners and the defacto complainant are residing in the same street. It is alleged that there was a wordy quarrel in between them with regard to the parking of vehicle, due to which, they attacked each other. Thereby, the defacto complainant's father-in-law sustained grievous injuries and admitted in the hospital and after five days he died. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that it is a case of



case in counter. It is a specific submission that other three accused who are all male members had actually participated in the alleged occurrence and were already secured and they were in judicial custody. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent vehemently raised an objection stating that due to the incident, the petitioner and others created a law and order problem for which another case has been registered in Crime No.375 of 2022 on the file of M-3. Puzhal Police Station. He would further submit that if this type of petitioners are released on bail, they would try to tamper the witnesses and hamper the investigation. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. The submissions made by the learned Counsel appearing on either sides are considered.

6. The respondent police registered the case as against the petitioners for the offenses punishable under sections 147, 148, 323, 324, 294(b), 307 and the same has been altered to 302 of IPC. Admittedly, the persons who sustained injuries are all discharged from the hospital. Further it is a case of case in counter. The other accused who are all male members are all secured and remained in judicial custody. The petitioner herein are all female members and a portion of investigation is completed.

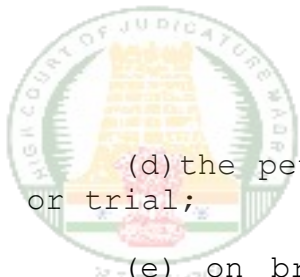
7. Taking note of all the above said aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are 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 Judicial Magistrate, Madhavaram, on condition that the petitioners 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 condition that:

(a) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the Trichy Cantonment Police Station, daily at 10.00 a.m. until further orders;



(d) the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners 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/-
18/02/2022

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 JUDICIAL MAGISTRATE,
MADHAVARAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
M-3 PUZHAL POLICE STATION,
CHENNAI 600066

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
TRICHY CANTONMENT POLICE STATION, TRICHY.

+1 CC to M/S C.D .JOHNSON Advocate on payment of necessary charges SR.NO.2573

CRL OP.4025/2022

Date :18/02/2022

JPA 24/02/2022