



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10710 of 2022

P.RANI

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.39 OF 2022.

[RESPONDENT]

For Petitioner : M/S.D.SENTHIL KUMAR Advocate

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

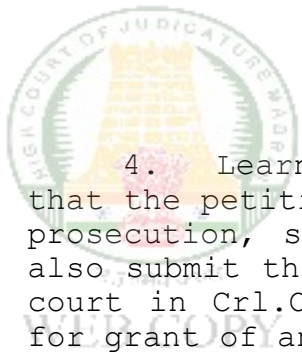
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 353 and 379 IPC in Crime No.39 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3. The case of the prosecution is that the accused persons said to have engaged person for removing stones from a private land, without obtaining proper permission. As far as petitioner herein is concerned, she is arrayed as A4. When the defacto complainant intervened, the accused said to have prevented the defacto complainant from discharging his official duty. The gist of the allegation is that the accused said to have attempted to remove stones from private land without permission. It is not the case of the prosecution that the accused removed the stones and transported, they have been prevented from taking the stones.



4. Learned counsel appearing for the petitioner would submit that the petitioner/A4 had not committed any offence as alleged by the prosecution, she has been falsely implicated in this case. He would also submit that A1 to A3 have been granted anticipatory bail by this court in CrI.O.P.No.6632 of 2022 dated 23.03.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

5. Learned Government Advocate (CrI.side) submitted that when the defacto complainant intervened the accused from removing the stones from a private land, the accused said to have prevented the defacto complainant from discharging his official duty. He opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, custodial interrogation is not necessary and thus, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Rasipuram, Namakkal District, 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 condition that:

(a) the petitioner and the sureties shall affix their 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.30.a.m., until further orders;

(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 has 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/-
05/05/2022

WEB COPY

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,
RASIPURAM, NAMAKAL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.SENTHIL KUMAR Advocate on payment of necessary charges SR.NO.6765

CRL OP.10710/2022

Date :05/05/2022

JPA 11/05/2022