



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10938 of 2022

RAJESHWARI

[PETITIONER / ACCUSED]

Vs

SUB INSPECTOR OF POLICE
KUNNATHUR POLICE STATION,
TIRUPPUR DISTRICT
(CRIME NO.82 OF 2022)

[RESPONDENT]

For Petitioner : M/S S.P.VIJAYARAGAVAN Advocate

For Respondent : MR.S.SUGENDRAN, Additional public Prosecutor
(CRL.O.P.NO.10938/2022)

For Respondent : M/S.V.J.PRIYADARSANA, Govt. Advocate (Crl. Side)
(CRL.MP.NO.6914 OF 2022 IN CRL.O.P.NO.10938 OF 2022)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 294(b), 323, 448 and 506(i) of IPC, in Crime No.82 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant are husband and wife. It is alleged that on the date of occurrence, the petitioner trespassed into the house of the de-facto complainant and took away an amount of Rs.20,000/- and also abused and criminally intimidated him. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. The de-facto complainant only assaulted and abused the petitioner, for which the petitioner had given a complaint in Crime No.83 of 2022 for the



offences under Sections 294(b), 427, 323 and 506(i) IPC. Hence, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the victim has been treated as outpatient.

5. Considering the facts and circumstances of the case and it is a case of matrimonial dispute between the husband and wife, the custodial interrogation of the petitioner is not necessary in this case, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **(*) Learned District Munsif cum Judicial Magistrate, Uthukli** on condition that the petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 shall affix her photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of her Aadhar card or Bank pass Book to ensure her identity;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the respondent police, as and when required for interrogation;

(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.

WEB COPY

-sd/-
11/05/2022

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.

[*] Amended as per order of this Court dated 07/06/2022 made in CRL.MP.NO.6914 OF 2022 IN CRL.O.P.NO.10938 OF 2022. by The Hon`ble Mr Justice G.K.ILANTHIRAIYAN.

TO

**(*) THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKULI**

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, TIRUPPUR

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

4 THE SUB INSPECTOR OF POLICE
KUNNATHUR POLICE STATION,
TIRUPPUR DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.P.VIJAYARAGAVAN Advocate on payment of necessary charges SR.NO.8529

CRL OP.10938/2022

Date :11/05/2022

JPA 13/05/2022

TA-13/06/2022