



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12516 of 2022

1 JAGAMATHI [PETITIONERS / ACCUSED]
2 BOOPATHI
3 SELVAMBAL @ SELLAMMAL
4 PRIYADARSHINI

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
(SALEM RURAL)
KONDALAMPATTI,
SALEM DISTRICT
CRIME NO.5 OF 2022.

For Petitioner : M/S.G.MUNURAJ Advocate

For Respondent : M/S.V.MEGANATHAN, 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 at the hands of the respondent police for the alleged offences under Sections 498(A), 506 (i) IPC r/w Section 4 of TNPHW Act in Crime No.5 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the defacto complainant and the petitioners, as a result of which, the petitioners are said to attacked the defacto complainant and caused injuries.



3. The learned counsel appearing for the petitioners submitted that a false case has been foisted against these petitioners by the respondent police and they have been nothing to do with the alleged offence.

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4. The learned Additional Public Prosecutor submitted that the injured has already been discharged from the hospital and there is no previous case pending against these petitioners.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the victim has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Magistrate Level, Salem on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 said Magistrate, on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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 have 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.

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-sd/-
26/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT,
MAGISTRATE LEVEL, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, (SALEM RURAL)
KONDALAMPATTI, SALEM DISTRICT.

+1 CC to M/S.G.MUNURAJ Advocate on payment of necessary charges
SR.NO. 8145

CRL OP.12516/2022

Date :26/05/2022

RW-01/06/2022