



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09.02.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2772 of 2022

Subbulakshmi

... Petitioner/Accused No.1

Vs

State represented by,
The Sub-Inspector of Police,
Thadikombu Police Station,
Dindigul.
(Crime No.23 of 2022)

... Respondent/Complainant

For Petitioner : Mr.V.Palanichamy
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.23 of 2022 on the file of the Respondent police.

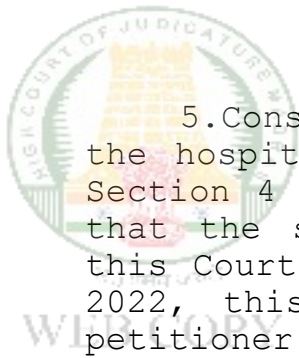
ORDER: The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.23 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that since there existed disputes, the petitioner and other accused had attacked the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the second accused was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.2087 of 2022 dated03.02.2022.

4.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital.



5.Considering the facts that the injured was discharged from the hospital that except the offence under Section 506(2) IPC and Section 4 of TNPWH Act, all other offences are bailable in nature, that the second accused was already granted anticipatory bail by this Court and that a case in counter is pending in Crime No.22 of 2022, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police for a period of thirty (30) days and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
THADIKOMBU POLICE STATION,
DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.PALANICHAMY, Advocate (SR-929[I] dated 09/02/2022)

ORDER
IN
CRL OP(MD) No.2772 of 2022
Date :09/02/2022

USK/JM/SAR-II/15.02.2022/3P/6C