



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/09/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.17514 of 2022

Thenmozhi

... Petitioner/Accused No.2

Vs

The State rep.by
The Sub Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
Crime No.183 of 2022.

... Respondent/Complainant

For Petitioner : M/s.RAMACHANDRAN R,

For Respondent : Mr.M.VEERANTHIRAN,
Government Advocate (Crl.Side)

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

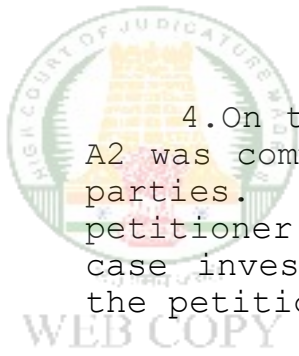
PRAYER :- For Anticipatory Bail in Crime No.183 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 342, 506(ii) I.P.C r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.183 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was dispute between the parties, with regard to suicide committed by the A2's daughter and the A2's son-in-law married the daughter of the defacto complainant, over which, on 04.09.2022, the accused persons abused and assaulted the defacto complainant and her daughter and also threatened them with dire consequences. Hence, the complaint.

3. On the side of petitioner, it is stated that the petitioner is innocent and no way connected with the offence. The petitioner was arrayed as A2 in this case. Due to previous dispute, a false case was foisted against her. Hence, prays to release the petitioner on anticipatory bail.



4. On the side of prosecution, it is stated that the date of A2 was committed suicide, over which, there was dispute between the parties. The injured was discharged from the hospital and that the petitioner is not having any bad antecedent to her credit. In this case investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the money dispute between the parties, considering the fact that the injured was discharged from the hospital, that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate No.II, Virudhunagar, 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 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 daily at 10.30 am until further orders;

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

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

30/09/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE,
AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAMACHANDRAN R Advocate SR.No.10835

ORDER

IN

CRL OP(MD) No.17514 of 2022

Date :30/09/2022

PNM

SA/SVR/SAR. /07.10.2022/3P/6C