



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

Date : 21/09/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.16940 of 2022

Alima Jhanu @ Alima

... Petitioner/First Accused

Vs

The State Rep. By,
The Inspector of Police,
Vanniyampatty Vilakku Police Station,
Virudhunagar District.
(Crime No.156 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ranjith Kumar.P,
Advocate.

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

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

PRAYER :-

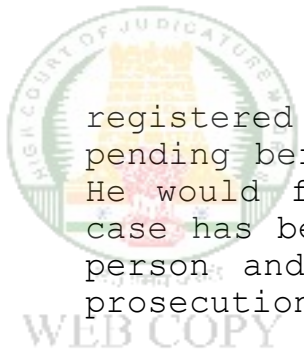
For Anticipatory Bail in Crime No.156 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/first accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 324, 365, 506(ii) and 109 of IPC, in Crime No.156 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 09.09.2022, when the defacto complainant was going for work, six members were attacked him with iron rods and caused injuries to him. Subsequently, the petitioner threatened him through cellphone to marry her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a divorcee. The defacto complainant by giving a false promise, had sexual intercourse with her and thereafter, he refused to marry her and also beaten her, due to which, a case was



registered against him in Crime No.97 of 2022 and the case is pending before the learned Judicial Magistrate No.2, Srivilliputtur. He would further submit that due to previous enmity, the present case has been foisted against the petitioner and she is an innocent person and she has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that it is a case in counter. He would further submit that no previous case is pending against the petitioner and the investigation is not yet completed.

5. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) **to the Mediation and Conciliation Centre Attached to the Madurai Bench of Madras High Court, Madurai**, without prejudice to their rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District.

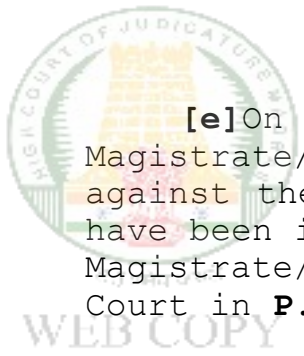
7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District, on condition 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the Inspector of Police, Periyamedu Police Station, Chennai, daily at 10.30 a.m., until further orders;

[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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/09/2022

/ TRUE COPY /

/09/2022
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,
SRIVILLIPUTTUR, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
3. THE INSPECTOR OF POLICE,
VANNIYAMPATTY VILAKKU POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(SOFT COPY)**

+1 CC to M/s.RANJITH KUMAR P, Advocate (SR-10351[I] dated 22/09/2022)

ORDER
IN
CRL OP(MD) No.16940 of 2022
Date :21/09/2022

USK/SBN/SAR-II/29.09.2022/3P/6C

<https://www.mhc.tn.gov.in/judis>