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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

PRESENT

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

CRL OP(MD). No.17257 of 2022

Usha

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Varsanadu Police Station,
Theni District.
(Cr No.129/2022).

... Respondent/Complainant

For Petitioner : M/s.Manoharan.R, Advocate

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 Cr No.129/2022 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), 506(ii) IPC, in Crime No.129 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the ex-wife of defacto complainant's brother. Due to family dispute, on 05.09.2022 at about 2.15PM, the petitioner came to the school, where the defacto complainant was working and abused him in filthy language and also threatened him with dire consequences. The defacto complainant was on leave, on the day of occurrence and after coming to school, he heard about the occurrence from his colleague. Hence, he filed a complaint.

<https://www.hc.madras.gov.in/judis>



3. On the side of the petitioner, it is stated that a false case was foisted against the petitioner. There is no evidence to attract the offence under Section 506(ii) IPC. Based on the information given by the co-worker, this case was given by the defacto complainant. Hence, prays to release her on anticipatory bail.

4. On the side of prosecution, it is stated that due to family, this occurrence took place between the parties. The defacto complainant was on leave on the day of occurrence and after coming to school, he heard about the occurrence. There is no previous case pending against the petitioner. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of this case, the fact that there is family dispute between the parties and the fact that the petitioner is not having any previous 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Andipatti, 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 to the Police Officer, who intends to arrest or 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 Aadhar 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 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;



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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/10/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE, ANDIPATTI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
3. THE INSPECTOR OF POLICE,
VARSANADU POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MANOCHARAN, Advocate (SR-10641[I] dated 28/09/2022)

ORDER

IN

CRL OP(MD) No.17257 of 2022

Date :27/09/2022

RK/VR/SAR- (07/10/2022) 3P/6C