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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD). No.19146 of 2022

Lakshmi

... Petitioner/Accused rank unknown

Vs

The State represented by
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
Crime No.202 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vigneshkumar M,
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 Crime No.202/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 326 and 506(ii) of IPC, in Crime No.202 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was previous enmity between the parties with regard to the ancestral house property. On 31.08.2022, the petitioner poured the hot rice water over the defacto complainant on the back side and also threatened her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the sister-in-law of the defacto complainant. Due to property dispute, a false case has been foisted against the

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innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that no previous case is pending against the petitioner and the injured has been discharged from the hospital. He would further submit that investigation in this case is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured has already been discharged from the hospital and 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 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, Thottiyam, Trichy 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 respondent police 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 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]**.

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

sd/-

28/10/2022

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/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
THOTTIYAM, TRICHY.

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION, TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.19146 of 2022

Date :28/10/2022

SS/GB/SAR II/07/11/2022/ 3P 5C