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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD) . No.20437 of 2022

Jeyapriya

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(Crime No.79 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Suresh Kannan C, 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.79 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Cr.No.79 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there is a civil dispute pending between the parties, due to which, on 05.06.2022, while the de-facto complainant was in her house, the husband of the petitioner came to her house and scolded her in filthy language. When the same was questioned by the de-facto complainant, the petitioner and her husband attacked her. Hence, the complaint.



3.The learned counsel for the petitioner would submit that there is a land dispute between the parties, a false case was foisted against the petitioner and the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He would further submit that A1 was already arrested and released on bail and a counter case in Crime No.80 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and also the facts that A1 was already released on bail and the counter case in Crime No.80 of 2022 is pending against the de-facto complainant, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchuli, 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 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
18/11/2022

/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT. AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SURESH KANNAN C Advocate SR.No.13343

ORDER
IN
CRL OP(MD) No.20437 of 2022
Date :18/11/2022

SP/VR/SAR III/28/11/2022/3P/6C