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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21606 of 2022

K.Shanthi

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District
(Crime No. 332 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.332 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 and 354(B) IPC in Crime No.332 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 22.11.2022 at about 09.30 a.m., the petitioner along with the other accused abused the de-facto complainant in filthy language and assaulted her with wooden stick and A1 had committed the offence of showing his private part to the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
<https://www.courtindia.org> and the de-facto complainant are neighbours and there was



a dispute between them and that the false and exaggerated, it has been given by the de-facto complainant stating that the petitioner's brother had exposed his private part to her. He would further submit that even as per the complaint, there is no specific allegation as against the petitioner. Hence, he seeks anticipatory bail.

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4.The learned Government Advocate (Crl. Side) would submit that the petitioner is the elder sister of the main accused. The main accused had exposed his private parts to the de-facto complainant and there was a quarrel during which, the petitioner along with the family members have assaulted the de-facto complainant and her family members. Hence, he opposed for grant of anticipatory bail.

5.In reply, the learned counsel for the petitioner would submit that the de-facto complainant party have also assaulted the petitioner's family members and only in order to avoid arrest, the de-facto complainant has given a false and exaggerated complaint. He would further submit that the quarrel arose out of civil dispute.

6.Heard. Perused the materials available on record.

7.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

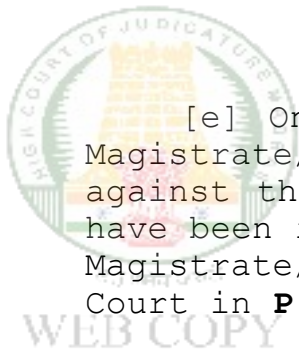
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruppuvanam, on condition that the petitioner shall execute bond for 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 condition 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 Inspector of Police, Teppakulam Police Station, Madurai City daily 10.30 a.m. until further orders; and the petitioner shall not enter into the jurisdiction limits for a period of one month;

[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]**.

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

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
TEPPAKULAM POLICE STATION,
MADURAI CITY.

ORDER
IN
CRL OP(MD) No.21606 of 2022
Date :07/12/2022

sjj
USK/VR/SAR-III/20.12.2022/3P/6C