



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/12/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.21993 of 2022

Esakkiammal

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.
Cr.No.454/2022.

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J.,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No. 454/2022 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), 307, 427 and 506(ii) IPC in Crime No. 454 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had earlier murdered the petitioner's husband, due to that motive, the petitioner herein and other accused have trespassed into the house of the defacto complainant and assaulted him with sickle and also abused him in filthy language. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He would further submit that absolutely there is no injury to the defacto complainant and this complaint has been given by the him only to prevent the petitioner from taking action against him and seeks anticipatory bail.



4. The learned Additional Public Prosecutor appearing as respondent would submit that the defacto complainant had earlier murdered the husband of the petitioner, in order to take revenge, the petitioner along with other accused gone to the house of the defacto complainant and attacked him with sickle and caused injuries and the injured has been discharged from the hospital. He would further submit that the investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sankarankoil**, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 respondent police everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[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.

sd/-

13/12/2022

/ TRUE COPY /

13/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUENELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.21993 of 2022

Date :13/12/2022

trp

SA/SSS/SAR. /13.12.2022/3P/5C