



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.107 of 2023

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Lakshmi

...Petitioner /Accused(Rank Not known)

-vs-

The State represented by
The Inspector of Police,
Thirunagar Police Station,
Madurai City.
(in Cr.No.255 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.255 of 2022.

For Petitioner	: Ms.R.Sujatha, Advocates
For Respondent	: Mr.P.Kottai Chamy
	Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 341, 447, 427 and 506(i) IPC in Crime No.255 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to previous enmity, the accused persons have abused the de-facto complainant in filthy language and attacked him and threatened him with dire consequences. Hence, the complainant.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and due to civil dispute, a false complaint has been given. She would also submit that it is a case and case in counter and based on the complaint given by the petitioner, a case in Cr.No.256 of 2022 came to be registered against the de-facto complainant and others. He would also submit that the petitioner is ready and willing to deposit a sum of Rs.25,000/- to the credit of crime number, without prejudice to her rights and contentions before the trial Court.

4.The learned Government Advocate (Crl.side) would submit that due to civil dispute, the accused persons have abused the de-facto



complainant in filthy language and attacked him and threatened him with dire consequence. He would also submit that it is a case and case in counter and on the complaint given by the petitioner's side, a case in Cr.No.256 of 2022 came to be registered against the de-facto complainant's side. He would oppose for grant of anticipatory bail.

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5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of Rs.25,000/- to the credit of crime number and on production of receipt for deposit, 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 Court No.6, Madurai, 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 two weeks and thereafter, every Saturday 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]**.

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



7. Merely, because the petitioner has deposited the amount as mentioned above, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

sd/-
05/01/2023

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

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TO

1. THE JUDICIAL MAGISTRATE NO.6, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.SUJATHA R, Advocate (SR-426[I] dated 09/01/2023)

ORDER
IN
CRL OP(MD) No.107 of 2023
Date :05/01/2023

RK/MMS/SAR-2 (12/01/2023) 3P/6C