



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

PRESENT

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

CRL.O.P (MD) No.345 of 2023

WEB COPY

Petchiammal

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Thirunagar Police Station,
Madurai City.

(in Cr.No.564 of 2022)

...Respondent/Defacto 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.564 of 2022.

For Petitioner

: Mr.R.Sundar

For Respondent

: Mr.P.Kottai Chamy

Government Advocate (Crl.side)

O R D E R

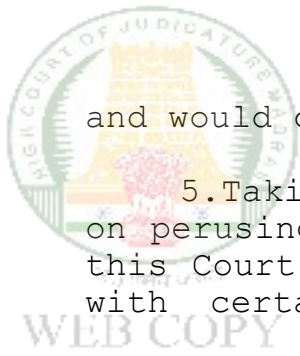
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 448 of IPC in Crime No.564 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 30.11.2022 at about 05.30 pm., the petitioner and other accused have trespassed into the de-facto complainant's property and abused the de-facto complainant and the employees of the de-facto complainant and attempted to assault the employees. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is ready to abide by any stringent conditions that may be imposed on her.

4.The learned Government Advocate (Crl.side) would submit that on 30.11.2022 at about 05.30 pm., the petitioner and other accused have trespassed into the de-facto complainant's property and abused the de-facto complainant and the employees of the de-facto complainant and attempted to assault the employees. He would also

<https://www.judhct.gov.in/dist>



and would oppose for grant of anticipatory bail.

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 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 No.VI, 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.

sd/-
06/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr



To

1.The Judicial Magistrate No.VI, 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.SUNDAR.R, Advocate (SR-380[I] dated 09/01/2023)

CRL.O.P (MD) No.345 of 2023
06.01.2023

TR/VR/SAR-III(20.01.2023) 3P 6C