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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/01/2023

PRESENT

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

CRL OP(MD) . No.1238 of 2023

Dhanalakshmi

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
(Crime No.153/2022).

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

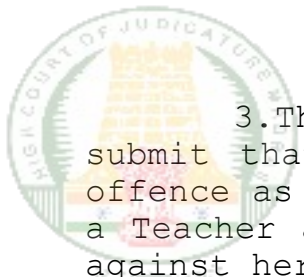
PRAYER :-

For Anticipatory Bail in Cr No.153/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) of I.P.C, in Crime No. 153 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused persons had entered into the house of the defacto complainant's mother and kidnapped his brother's child, who is none other than the petitioner's second child. When the same was stopped by the defacto complainant, the petitioner had abused him with filthy language and threatened him with dire consequences. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution. The petitioner is working as a Teacher and due to family dispute, a false case has been foisted against her. Hence, prays to release her on anticipatory bail.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, the petitioner along with other accused persons have abused, assaulted the defacto complainant and kidnapped his brother's child. Hence, he strongly objected to grant anticipatory bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration of the facts and submissions made by the learned counsels and considering the nature of dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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 No.2, Srivilliputhur**, 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 every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with the 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;



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[f] if the accused/ petitioner thereafter absconded, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.THALAIMUTHARASU.G Advocate SR.No.1179

ORDER

IN

CRL OP(MD) No.1238 of 2023

Date :24/01/2023

SS/BUC/SAR IV/30/01/2023/ 3P 6C