



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

PRESENT

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

CRL.O.P(MD)No.1525 of 2023

WEB COPY

Meenakshi

...Petitioner/3rd Accused

-vs-

The State rep.by,
State represented by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(in Cr.No.235 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 his arrest by the respondent Police with respect to Cr.No. 235 of 2022.

For Petitioner : M/s.Ramalakshmi
for Mr.S.Poornachandran

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 324, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.235 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Thanikodi is that due to previous enmity, the accused have abused her with filthy language and also assaulted her with iron rod due to which she sustained injuries. Hence, the complaint.

3. Ms.Ramalakshmi, learned Counsel for the petitioner would submit that due to a family dispute, a false complaint has been given. She would also submit that co-accused in this case have been granted anticipatory bail in Crl.O.P(MD)No.23000 of 2022 dated 23.12.2022. It is her further submission that the injured have also been discharged from the hospital and no previous case is pending against the petitioner.

<https://www.mhc.tn.gov.in> The learned Government Advocate (Crl.side) would submit that



due to family dispute, occurrence took place. He opposes it of anticipatory bail to the petitioner.

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5. Taking into consideration the facts and circumstances of the case, 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, Thiruchuli, 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 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/-

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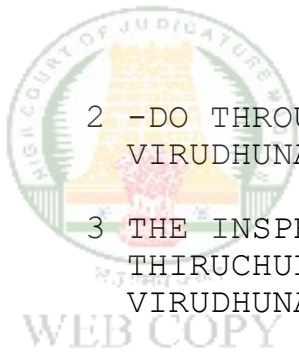
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
THIRUCHULI.

<https://www.mhc.tn.gov.in/judis>



2 -DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.1525 of 2023

Date :27/01/2023

VA/SAR-3/03.02.2023/3P/5C