



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

Date : 07/02/2023

PRESENT

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

CRL OP(MD) . No.2413 of 2023

WEB COPY

Maheswari

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
(Crime No.36 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C, Advocate
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.36 of 2023 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(ii) of I.P.C, in Crime No. 36 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that due to pathway dispute, on 31.01.2023, at about 08.30 a.m., the accused persons abused and assaulted the defacto complainant and also 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. Due to pathway dispute between the parties, a false case has been foisted against the petitioner. In this case, the injured was discharged from the hospital. Hence, prays to release her on anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, the accused persons have abused, assaulted the defacto complainant, due to pathway dispute. Though the injured was discharged from the hospital, in this case, investigation is not yet completed. 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 fact that the injured was discharged from the hospital, 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, Tenkasi**, 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., until further orders;

[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;

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

sd/-

07/02/2023

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

PNM



TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

ORDER

IN

CRL OP(MD) No.2413 of 2023

Date :07/02/2023

RS/SSS/SAR.4(15.02.2023) 3P-5C