



WEB COPY

CRL OP(MD)



23

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

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8905 of 2023

Meenakshi Sundharam, ... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
Thirukostiyur Police Station,  
Sivagangai District.  
Crime No.41 of 2023.. ... Respondent/Complainant

For Petitioner : M/s.Nihar Ali S,  
Advocate.

For Respondent : Mr.M.Sakthi Kumar,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.41 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 324 of IPC r/w 4 of TNPWH Act, in Crime No.41 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute between the defacto complainant and the wife of the petitioner, who is none other than the own sister of the defacto complainant, the petitioner said to have attacked the defacto complainant with aruval. Thereby, she sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

<https://www.mhjol.org/>



4.The learned Government Advocate (Crl.Side) would submit that it is a property dispute between the close relatives and the defacto complainant sustained only simple injury.

5.Considering the facts and circumstances of the case and also considering the fact that it is a property dispute between the close relatives, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppathur, Sivagangai District, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am., for a period of two months 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;

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

sd/-

17/05/2023

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23/05/2023

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



1 THE JUDICIAL MAGISTRATE  
THIRUPPATHUR SIVAGANGAI DISTRICT.

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

3 THE INSPECTOR OF POLICE  
THIRUKOSTIYUR POLICE STATION,  
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.S.NIHAR ALI, Advocate ( SR-7464[I] dated 18/05/2023 )

ORDER

IN

CRL OP(MD) No.8905 of 2023

Date :17/05/2023

PKP/BUC/SAR- /23.05.2023/ **3P/6C**