



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

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PRESENT

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

CRL OP(MD) . No.9283 of 2023

M.Mariammal, ... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(Crime No.134 of 2022).

... Respondent/Complainant

For Petitioner : Mr. Saravanakumar.C,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.134 of 2022 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 147, 148, 341, 294(b), 302 and 506 (ii) of IPC @ 147, 148, 341, 294 (b), 302, 506 (ii), 120(B), 34 and 109 of IPC, in Crime No.134 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the defacto complainant's husband was murdered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is aged about 50 years and she is ready to abide by the conditions imposed by this Court.



4. The learned Government Advocate (Criminal Side) appearing for the State would submit that although the summon was served to the petitioner, she did not cooperate for the enquiry, due to which, the respondent police is not able to complete the enquiry and therefore, absconding charge sheet has been filed against the petitioner herein.

5. Considering 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheranmahadevi, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 bonds and the learned Magistrate may obtain copies of their Aadhaar cards or bank pass books to ensure their identity;

(b) the petitioner shall report before the respondent police **daily** for a period of two months, and thereafter, as and when required for interrogation and she shall co-operate for the trial proceedings without fail.

(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.



It is made clear that the petitioner shall surrender herself before the trial Court and on such surrender, the trial Court shall pass orders on merits and in accordance with law.

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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,
CHERANMAHADEVI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SARAVANAKUMAR.C, Advocate (SR-7755[I] dated 22/05/2023

ORDER
IN
CRL OP(MD) No.9283 of 2023
Date :18/05/2023

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