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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

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

CRL OP(MD). No.9261 of 2023

Vanitha

... Petitioners/Accused No.1

Vs

The State represented by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
Crime.No.530/2023.

... Respondent/Defacto Complainant

For Petitioner : M/s.Sukumar.S,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.SP.Vijay Nivas, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.530 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 294(b), 452, 355, 323 and 506(ii) of IPC, in Crime No.530 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a tenant of the elder sister of the first accused. On 21.04.2023, due to property dispute between the elder sister of the first accused and A1, A1 attacked the defacto complainant with broom stick. At that time, the elder sister of A1, namely Kannammal, Rajalakshmi, Selvi have pacified the defacto complainant. But, the defacto complainant went to the police station. When the defacto complainant going to the police station, A2 and A3 said to have attacked the defacto complainant and threatened him with dire consequences. 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. He would further submit that this is a second anticipatory bail application.

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4.The learned Government Advocate (Crl.Side) would submit that due to property dispute between the petitioner and the elder sister of the petitioner, the alleged incident had happened and four persons were examined in this case and the statements were recorded under Section 161 of Cr.P.C.

5.The learned counsel for the intervenor, it is stated that due to previous enmity between the petitioner and the defacto complainant's house owner, the petitioner continuously torturing the defacto complainant and his house owner in order to grab the property. Further, the petitioner attacked the defacto complainant with broom stick in front of the public. Since she is active in social media, she videographed the said occurrence and released the same in social media for threatening the defacto complainant and his house owner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6.At this juncture, the learned counsel for the petitioner would submit that no such allegations were made in the FIR. However, the petitioner will ready to file an undertaking affidavit to the effect that she will not publish any video clip in social media in future.

7.Considering the facts and circumstances of the case and also considering the fact that the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 No.V, Madurai, 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 alternative days at 10.30 am., for a period of two months and thereafter, as and when required for interrogation.

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

(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.

9. The petitioner must file an undertaking affidavit that she will not publish any video clip in social media in future. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

sd/-

18/05/2023

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/05/2023

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

dss

TO

- 1 THE JUDICIAL MAGISTRATE NO.V MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9261 of 2023

Date : 18/05/2023

SS/ /SAR /24/05/2023/3P/5C