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CRL OP(MD). A



23

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

Date : 23/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11309 of 2023

Varshini,

... Petitioner/Accused

Vs

The state rep.by
Inspector of Police,
Thanjavur Taluk Police Station
Thanjavur District.
(Crime No.241 of 2023)

... Respondent/Complainant

For Petitioner : Mr.Suri.M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

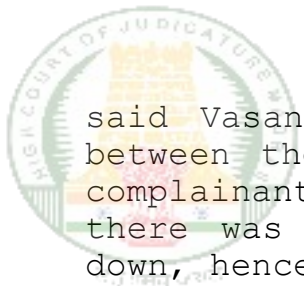
PRAYER :-

for Anticipatory Bail in Crime No.241 of 2023 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioner/A6 who apprehends arrest at the hands of the
respondent police for the offences punishable under sections
147,341,294(b),352 and 302 of IPC in Crime No. 241 of 2023 on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the father of the
defacto complainant had acquaintance with one Vasantha. It is
further alleged that mother of the defacto complainant had suspicion
relationship of the defacto complainant father and the



said Vasantha and due to that motive there was frequent quarrel between them. Hence on 23.05.2023 at about 4.00 pm., the defacto complainant and her wife came to his mother's house and at that time there was quarrel and during such time they pulled the deceased down, hence she fell down and died, hence the case.

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3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are totally six accused in this case and the petitioner herein is arrayed as A1. A perusal of the First Information Report reveals that the husband of the deceased had illegal relationship with the first accused and it was questioned by the deceased. Therefore all the accused dragged her into temple and obtained promise to not to propagate this fact in the public. Thereafter all the accused had beaten the deceased with hands and legs and pushed her down, hence she got fainted and died. In so far as the petitioner is concerned there is no specific overt act as against her and her presence in the scene of occurrence is also doubtful. Further A1 to A5 were arrested and remanded to judicial custody. The petitioner herein is the daughter of A3 and she is having a tender aged child. Taking into consideration all the above facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

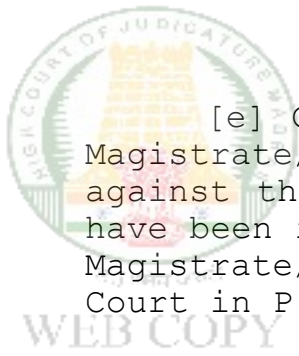
5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Thanjavur on condition that the petitioner shall execute a bond 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 daily at 10.30 am., for a period of two weeks and thereafter 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 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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/07/2023

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

AAV

TO

1.THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2.DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKKONAM.

3.THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION
THANJAVUR DISTRICT.

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

+1. CC TO SURI.M ADVOCATE SR.NO.9527, DT.23.06.2023.

ORDER

IN

CRL OP(MD) No.11309 of 2023

Date :23/06/2023

SI (04.07.2023) 3P/ 6C