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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14020 of 2023

Vasuki Swami

... Petitioner/Sole Accused

Vs

The State, represented by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.525 of 2022).

... Respondent/Complainant

For Petitioner : Mr.C.R.M.Prabhu,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.525 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the

respondent police for the alleged offence punishable under Sections 323 IPC and 92 of



the Rights of Persons with Disabilities Act, 2016, in Crime No.525 of 2022 on the file
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of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Head Constable attached to Mamsapuram Police Station. On 02.12.2022 at about 11.45 p.m., he received information that one Senthil Kumar was beaten by his aunt and admitted in Government Rajaji Hospital, Madurai. The said Police went to the Government Hospital on 03.12.2022 at about 7.00 a.m., and recorded the statement of the injured and finding that he is mentally ill person, so he could not record his statement. Again, he went to Chellamuthu Trust, where he was admitted and recorded his statement. The injured has stated in his statement that his father died one year back and he was taken by this petitioner and was staying with her. On the date of occurrence, he was assaulted by this petitioner with knife. On the basis of the above said confession, the case was registered.

3. Seeking anticipatory bail, this petition has been filed stating that the above said Senthil Kumar was in her custody for several years and after completing his school education, he addicted to drugs. He was also suffering from Schizophrenia disorder. On one day, he fell down in the floor, due to slipping, so he sustained injuries.



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4. Noting that the injured is mentally ill person and the petitioner is stated to be the aunt of the petitioner, she was ordered to be present in person.

5. The learned Additional Public Prosecutor would submit that because of ill treatment made by the petitioner to the victim, H.C.P was filed by one of his relatives and in the order, noting the conduct of this petitioner, the victim was ordered to be admitted in Chellamuthu Trust. So, according to the learned Additional Public Prosecutor, because of the property issue, this petitioner alleged to have beaten the victim.

6. As per the order of this Court, now the above said property was retransferring to the name of the victim. Whether the above said injury alleged to have caused by this petitioner in view of the above said property issue is the matter for consideration of the Investigation Officer. When the petitioner appeared before this Court, she is found to be aged about more than 60 years.

7. Considering the age of the petitioner only, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the



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learned Judicial Magistrate No.II, Srivilliputhur, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
09/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1 CC to M/s.C.R.M.PRABHU, Advocate (SR-12063[I] dated 09/08/2023)

ORDER

IN

CRL OP(MD) No.14020 of 2023

Date :09/08/2023

SS/VRS/17/08/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023