



CRL OP(MD)No.15942 of 2023

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

Date : 01.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL
CRL OP(MD)No.15942 of 2023

Harini

... Petitioner/ Accused Rank No.6

Vs

The State rep.by,
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(In Crime No.237 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.N.Balasubramanian, Advocate
for Mr.B.Arun, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.237 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, 148, 441, 294(b), 323, 324, 379, 427, 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 IPC in Crime No.237 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the defacto complainant's son married the first accused. Because of difference of opinion, they were separated for more than seven years. When the defacto complainant's son came to his house along with one girl, the same was questioned by A1, over which, the trouble arose between them and they assaulted each other. The defacto complainant also sustained injuries and the gold chain of the defacto complainant was found missing in the above said occurrence. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and she has been falsely implicated in this case. Already this Court granted anticipatory bail to the co-accused and therefore, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the injured person has been discharged from the hospital and this Court already granted anticipatory bail to the co-accused.

5.Heard both side and perused the materials available on record.



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6.Considering the rival submissions on either side and considering the fact that the injured person has already been discharged from the hospital and also considering the fact that already this Court granted anticipatory bail to the co-accused and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Vadipatti, 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 condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[c] the petitioner shall not abscond either during investigation or trial.

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[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/09/2023

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/09/2023

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

gns

TO

1.THE JUDICIAL MAGISTRATE,
VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

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



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3.THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.B.ARUN, Advocate (SR-13086[I] dated 01/09/2023)

ORDER
IN
CRL OP(MD) No.15942 of 2023
Date :01/09/2023

RK/VR (11/09/2023) 5P / 6C

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