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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22004 of 2022

Jeya

... Petitioner/Accused  
Not known

Vs

STATE State rep.by,  
The Inspector of Police,  
Reddiyapatti Police Station,  
Virudhunagar District  
(Crime No.109 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Arun B,  
Advocate.

For Respondent : Mr.M.Veeranthiran,  
Government Advocate (Crl.Side)

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

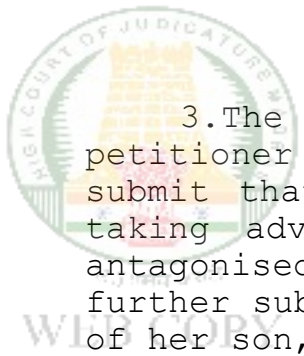
PRAYER :-

For Anticipatory Bail in Crime No.109 of 2022 on the file of the  
respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of  
the respondent police for the offences punishable under Sections 294  
(b), 324 and 506(ii) of I.P.C., in Crime No.109 of 2022 on the file  
of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant  
Yasothai, is that the accused, who is her elder sister, had abused  
her son and poured hot water on her, resulting in her son,  
sustaining injuries. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is the mother of the alleged victim. He would further submit that accidentally the hot water was split on the victim and taking advantage of the same, the de-facto complainant who was antagonised with her, had given a complaint against her. He would further submit that the petitioner is the person, who had taken care of her son, the victim herein.

4.The learned Government Advocate (crl. side) would submit that the petitioner is the mother of the victim, due to a quarrel, the petitioner has thrown hot water on her son. However, he would also submit that the son has been discharged from the hospital and the petitioner is the person, who had taken care of her son, while he was admitted in the hospital.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain 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, Aruppukottai, Virudhunagar District, 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 a.m., for a period of one week 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 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].

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

sd/-  
24/01/2023

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/02/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,  
ARUPPUKOTTAI,  
VIRUDHUNAGAR DISTRICT.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE  
REDDIYAPATTI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. ARUN B Advocate SR.No.1140(I)

ORDER  
IN  
CRL OP(MD) No.22004 of 2022  
Date :24/01/2023

VA/SSS/SAR-4/06.02.2023/3P/6C