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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.01.2023

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL OP(MD). No.23088 of 2022

P.Dhanalakshmi

... Petitioner/ Accused No.2

Vs.

State rep. by
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(Crime No.99 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.Manikandan, Advocate

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

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

PRAYER :-

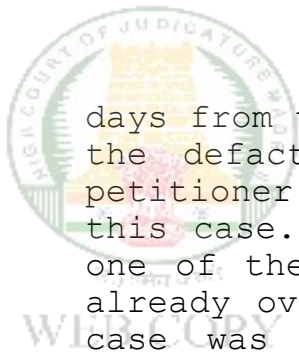
For Anticipatory Bail in Crime No.99 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C., @ **(*)302** of IPC in Cr.No.99 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and petitioner are relatives and there was a land dispute between them. In this circumstances, the petitioner and others entered into a wordy quarrel with the defacto complainant and his sister. In this incident, the petitioner and others have pushed down the defacto complainant's sister and she sustained injury. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitione has not committed any offence as alleged by the prosecution. In an earlier complaint, the defacto complainant has stated that his sister fell down accidentally in a crowd. After 16



days from the alleged date of occurrence, the deceased died. On the defacto complainant changed his stand and alleged that the petitioner pushed his sister down. She was falsely implicated in this case. The petitioner has to take care of her three children, one of them is a physically handicapped child. Investigation was already over and absconding charge sheet was already filed and the case was taken on file as P.R.C.No.105 of 2022 and custodial interrogation is not at all necessary. It was the defacto complainant, who has given a false complaint against the petitioner and others and prayed the petitioner to be released on anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that there was a wordy quarrel between the defacto complainant and the petitioner which was developed into a scuffle, in which the petitioner and others pushed the defacto complainant's sister and she sustained thigh fracture, admitted in the hospital and died after six days of treatment and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case and considering the fact that the investigation was already over and charge sheet was taken on file as P.R.C.No.105 of 2022, considering the nature of offence and considering the family back ground of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;



[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 FIR can be registered under Section 229-A IPC.

sd/-
12/01/2023

(*)For Being Mentioned as per order of this Hon'ble Court dated 31/01/2023 in Crl.OP(MD). 23088/2022.

/ TRUE COPY /

31/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

TO BE SUBSTITUED WITH THE ORDER DATED 12/01/2023 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION,
MADURAI DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MANIKANDAN.K, Advocate (SR-841[I] dated 20/01/2023)

ORDER
IN
CRL OP(MD) No.23088 of 2022
Date :12/01/2023

PKP/VR/SAR-4/23.01.2023/3P/6C
PNN
SA/MMS/SAR. /31.01.2023/3P/6C