



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22956 of 2022

WEB COPY

Priya @ Priyathershini

...Petitioner/Accused No.5

-vs-

The State represented by
The Inspector of Police,
Parthibanoor Police Station,
Parthibanoor District.
(in Cr.No.189 of 2022)

...Respondent/Complainant

Boominathan

...Petitioner/Intervener/
Defacto complainant in
Crl OP(MD) No.1058 of 2023

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.189 of 2022.

For Petitioner : Mr.S.Sabbani Karbura Jothi, Advocate

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

For Intervenor : Mr.R.Balamuruganatham, Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC @ Sections 147, 148, 294(b), 323, 324, 506(ii) and 302 of IPC in Crime No.189 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to a wordy quarrel, the accused persons have abused the de-facto complainant's son, Raja in filthy language and also attacked him with deadly weapons resulting in him sustaining injuries and subsequently, the de-facto complainant's son died.

<https://www.mca.gov.in> case.



3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given against her. He would also submit that since she belongs to the same family, she has also been falsely implicated in this case. He would further submit further that even as per the allegation in the FIR, the petitioner is stated to have caught hold of the hair of the de-facto complainant's son and other than that, she has not committed any offence, as alleged by the prosecution. He would further submit that the incident had happened on 24.10.2022 and the victim died on 27.10.2022 after 3 days of occurrence. Further, he would submit that A1 to A3 were arrested on 28.10.2022 and they have been enlarged on bail by the lower Court and would further submit that A4 has also recently arrested and enlarged on bail. He would further submit that the petitioner is a married woman having a three months old child and thereby, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that asfaras allegation against the petitioner is concerned, she has pulled the hair of the de-facto complainant's son and he would oppose for grant of anticipatory bail to the petitioner.

5.The learned Counsel for the intervenor would vehemently object to grant anticipatory bail stating that the petitioner is also involved in the offence and she does not deserve sympathy in this case.

6.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 Court, Paramakudi, Ramanathapuram 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.



[c] the petitioner shall not tamper with evidence or 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/-

23/01/2023

/ TRUE COPY /

/02/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S. SABBANI KARBURA JOTHI.S Advocate SR.No.1071(I)

ORDER

IN

CRL OP(MD) No.22956 of 2022

Date :23/01/2023

VA/BUC/SAR-3/03.02.2023/3P/6C