



CRL OP(MD) No.338 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.338 of 2024

K.SARASWATHI

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.209 OF 2023)

... Respondent / Complainant

For Petitioner : M/s.N.Sankar Ganesh, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.209/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324, 427, 506(I) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002,



in Crime No.209 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that due to civil dispute between the accused and the defacto complainant, on 04.10.2023, the petitioner along with her family members trespassed into the agricultural field of the defacto complainant and damaged the Water Pipes. When the same was questioned by the defacto complainant, the petitioner said to have abused the defacto complainant with filthy language and thrashed and dragged her and tied up her in nearby tree and caused injury to her. Hence, the Law Enforcing Authority, registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that it is a case and case in counter. Counter case has been registered in Crime No.208 of 2023 against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that it is a case and case in counter. Counter case has been registered against the defacto complainant. However, he fairly conceded that the injured was discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the



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facts that it is a case and case in counter and the injured was discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Musiri, Trichy 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judicial Magistrate,
Musiri, Trichy District.

2.Do through the Chief Judicial Magistrate,
Trichy District.



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3.The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.SHANKAR GANESH, Advocate (SR-515[I] dated 10/01/2024)

ORDER
IN
CRL OP(MD) No.338 of 2024
Date :10/01/2024

ED/ JGB /SAR- (18/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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