



CRL OP(MD) No.3875 of 2024

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

Monday, the Eleventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3875 of 2024

G.SUJATHA

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.82 OF 2024.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.I.VELPRADEEP, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.N.MOHIDEEN BASHA, Advocate

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.82 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for



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the alleged offence under Sections 294(b), 323, 324 and 506(ii) of IPC and 4 of TNPHW Act in Crime No.82 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that there is a civil dispute between the petitioner, defacto complainant and her son, who is the victim. The petitioner filed a civil suit before the Additional District Court No.VI, Madurai, for specific performance and the same was amicably settled out of the Court. Due to the money dispute in respect of the sale agreement entered between the parties, on 05.03.2024, the petitioner's car driver attacked the defacto complainant's son using a hospital knife, thereby, he sustained injuries. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and is a practicing Doctor. She is running a hospital by name Divya Hospital at Othakkadai, Madurai. Already a civil Suit, which was filed by the petitioner was amicably settled out of the Court. As per the terms, the petitioner agreed to deposit a sum of Rs.25,00,000/- before the concerned Court. Hence, on 05.03.2024, the Additional District Court No.VI, Madurai, has passed an order that since the matter was amicable settled out of the Court, the above Rs.25,00,000/- has to be returned to the petitioner from the Court deposit. In such circumstance, on 05.03.2024, the defacto complainant and her son came to the hospital of the petitioner, damaged the medical instruments and scolded the petitioner and her car driver namely Sakthi using filthy



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language and got signature from the petitioner forcibly in a cheque. Thereafter, the son of the defacto complainant voluntarily hurt himself for foisting a false complaint against the petitioner. As such, on the next day, the false complaint has been given against the petitioner and her driver. Further, there is no allegation against the petitioner and it is only against the A1 and injured is discharged from the hospital. Hence, the present complaint has been filed.

4. The learned counsel for the defacto complainant would submit that the second accused caused injury to the defacto complainant's son at the instigation of the petitioner. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) would submit that though the injured is discharged from the Government Hospital, he is admitted in a private hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that it is purely money dispute between the parties in respect of the sale agreement entered in between them, however, now the defacto complainant received the cheque of Rs.25,00,000/- and further the petitioner is agreed to honor the cheque issued by her to the tune of Rs.25,00,000/- in favour of the defacto complainant and

the injured is discharged from the Government Hospital and he is admitted in the



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private hospital and there is no specific overt act attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, 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 their 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 their identity;

(c)the petitioner shall report before the respondent Police daily at 10.30 a.m., for the period of two weeks and thereafter, she shall appear before the respondent Police as and when required;

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



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investigation or trial;

(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/-
11/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
MELUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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



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3 THE INSPECTOR OF POLICE
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.I.VELPRADEEP, Advocate (SR-3031[I] dated 11/03/2024)

ORDER
IN
CRL OP(MD) No.3875 of 2024
Date :11/03/2024

PKP/JGB/SAR /22.03.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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