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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 10.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10192 of 2024

Nithya ... Petitioner/Accused No.1

Vs

The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
(Crime No.54 of 2024) ... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, Advocate

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

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

PRAYER :-

For Anticpatory Bail in Crime No.54 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 the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) IPC r/w

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Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr.No.54 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the daughter-in-law of the defacto complainant. There was a matrimonial dispute between the petitioner and her husband and hence, they are living separately. The child of the petitioner is under the custody of the defacto complainant and she has attempted to take away the child. At that time, both the parties attacked each other.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) for the respondent submits that due to matrimonial dispute between the petitioner and her husband, they are living separately and their child is under the care and custody of the defacto complainant. When the petitioner has tried to take the child, both the parties attacked each other and both parties sustained injuries. Therefore, a case and counter case came to be

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registered. Both injured persons were already discharged from the hospital.

5.Considering the relationship between the parties and injured persons have already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thottiyam on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thottiyam and on further conditions that:

i. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
ii. The petitioner shall appear before the respondent police as and when required. She has to co-operate for the investigation.

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iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.

iv. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
10/07/2024

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/07/2024
Sub-Assistant Registrar (CS-I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1.THE JUDICIAL MAGISTRATE, THOTTIYAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3.THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-7721[I] dated 10/07/2024)

ORDER
IN
CRL OP(MD) No.10192 of 2024
Date :10/07/2024

RK/GS (19/07/2024) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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