



CRL OP(MD). No.20704 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20704 of 2024

Kowsalya,

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
E.Pudur Police Station,
Trichy City,
(Crime No. 577 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.Alagia Nambi,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 577 of 2024 on the file of the Respondent police.



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ORDER: The Court made the following order :-

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The petitioner / Accused No.2, who apprehends arrest at the hands of the respondent Police for the offences under Sections 296(b) and 118(2) of BNS r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act @ 105 and 296(b) of BNS r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.577 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.09.2024 at about 03.00 p.m., there was a wordy quarrel between the *defacto* complainant and the accused persons. Accused Nos.1 and 2 are said to have pushed the mother-in-law of the *defacto* complainant and as a result of which, she fell down and sustained injuries and she suffered a stroke also. Ultimately, she died. There are totally three accused persons in this case and the petitioner has been arrayed as Accused No.2.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4. Taking into consideration the facts and circumstances of the case and the



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manner in which the incident had taken place and considering the fact that Accused Nos.1 and 3 were arrested and later enlarged on bail by this Court in Crl.O.P.(MD). No.19770 of 2024 by an order dated 15.11.2024 and there are no previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.II, Trichy, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

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

[d] the petitioner shall not abscond either during investigation or trial;



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[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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
27/11/2024

/ TRUE COPY /

/12/2024

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

TSG

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY.
- 3 THE INSPECTOR OF POLICE,
E.PUDUR POLICE STATION,
TRICHY CITY



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

ORDER
IN
CRL OP(MD) No.20704 of 2024
Date :27/11/2024

SS/VR/SAR- /05/12/2024/ 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023