

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-04-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10383 of 2025

Kanniyammal

Petitioner/ Accused No.2

Vs

State rep. by,
The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.
(Crime No. 31 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of her arrest by the respondent police concerned in Crime No.31 of 2024, on the file of the respondent police.

For Petitioner(s) : M/s. Camyles Gandhi W.

For Respondent(s) : Mr. S. Balaji,
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) and 74 of BNS (Sections 294(b), 323 and 354 of IPC) in Crime No.31 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was working as a sweeper in Tiruppur Corporation; that while the defacto complainant was collecting the wastage from the petitioner's house, there arose a wordy quarrel; that thereby, the petitioner along with other accused abused and assaulted the defacto complainant. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also

undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner has no bad antecedents; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner is a lady and has no bad antecedents and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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**

District Munsif cum Judicial Magistrate, Madathukulam on condition that the petitioner shall execute a separate 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 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.

[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 269 of B.N.S.

07.04.2025

stn

To

1. The District Munsif cum Judicial Magistrate,
Madathukulam.
2. The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.
(Crime No. 31 of 2025).
3. The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN, J.

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Crl.O.P. No.10383 of 2025

07.04.2025