

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,
Vacation Sessions Judge, Theni,

Dated this the 11th day of May 2024

Cr1.M.P.No.41/2024

CNR.No.TNTH00-000041-2024

Maheswari

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Rayappanpatti P. S. in

Cr.No.115/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. R. Dhayalan, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused U/s.438 of Code of Criminal Procedure seeking anticipatory bail.

2. The Nitty-Gritty of the prosecution case is as follows :-

On 18.04.2024 at 3.30 p.m., the petitioner along with other accused assaulted the complainant and damaged to his petty-shop. Besides that they intimidated her with dire consequences. Therefore the case registered against the petitioner U/s.294(b), 427, 324 and 506(ii) of IPC.

3. Heard both sides.

4. The points for determination is that can the petitioner be released on anticipatory bail ?

Answer :

5. The FIR and reply given by the Police are perused. The FIR transpires that the petitioner and co accused are single family members. Also they are relative to the complainant. The prosecution submitted that the victim has not been admitted in the hospital. Having considered the nature of the offence as well as circumstances of the case, I inclined to release the petitioner on anticipatory bail.

6. Therefore it is ordered that in the event of arrest by the Respondent or on their surrender before the Learned Judicial Magistrate at Uthamapalayam within 15 days from the date of this order, the petitioner shall be released on bail on her executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for like sum. The following conditions are imposed to the petitioner :-

i) The petitioner shall appear before the SHO of Rayappanpatti Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 25 days from the date of their release.

ii) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

iii) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala (2005) AIR SCW 5560).

..3..

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 11th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Uthamapalayam.

The Public Prosecutor, Theni.

The petitioner through her Counsel.

The Inspector of Police, Rayappanpatti.