



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

Friday, the Twelfth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.10554 of 2015

WEB COPY

SUBATHIRA

... PETITIONER/ACCUSED No.3

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION, VAGAIKULAM,
TIRUNELVELI DISTRICT.
CR.NO. 28 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MAHALAKSHMI Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who is arrayed A3 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 449, 294(b), 302, 506(ii) of IPC, in Crime No.28 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute, on 23.01.2015, A1 and A2 have trespassed into the house of the deceased and attacked him with Aruval and A3 had instigated the other accused to attack the de-facto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent lady and she has not committed any offence as alleged by the prosecution. He further submitted that the deceased is the father of A1, while A2 and A3 are son and daughter of A1. The de-facto complainant is the 2nd wife's son of the deceased and there is a dispute exists between the accused and the deceased over partition in the ancestral property and therefore, the accused are implicated in this case and the prime accused, namely A1 and A2 were arrested and released on bail. It is further submitted that the petitioner is a lady, who is
<https://hcservices.ecourts.gov.in/hcservices/>
in 5 months pregnancy .



4.The learned Government Advocate (Criminal side) opposed the petition stating that the petitioner is one of the conspirators for the alleged occurrence and the petitioner has instigated the other accused to commit the offence and the major part of the investigation is over.

5.Considering the above facts and circumstances of the case, 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 before the learned Judicial Magistrate, Ambasamuthiram and on her executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
12/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, AMBASAMUTHIRAM.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE SUB INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION, VAGAIKULAM, TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.MAHALAKSHMI Advocate SR.No.30278

ORDER IN
CRL OP(MD) No.10554 of 2015
Date :12/06/2015