



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

Thursday, the First day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18979 of 2015

RAJESWARI

... PETITIONER / ACCUSED No.5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.
CR.NO. 117 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.SOUNDARAPANDIAN Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

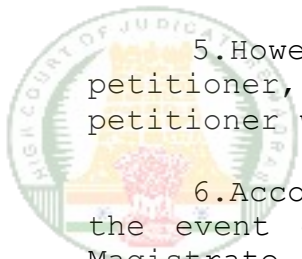
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A5 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 294(b), 323, 307 and 302 of IPC r/w 4 of TNWH Act, in Crime No.117 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant that due to common wall dispute on 18.07.2015 at 10.30 a.m, A1 attacked the deceased Gunasekaran with wooden log on his head and when his brother Tamilselvam and his wife Poomani intervened to save the life of the said Gunasekaran and they were also attacked by the accused with wooden log and caused the death of Gunasekaran.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. The learned counsel further submitted that A1 was already arrested and remanded to judicial custody and A2 to A4 were arrested and released on bail by the Sessions Court. It is further submitted that the de-facto complainant is an eye witness to the occurrence and as per the statement of the de-facto complainant, the petitioner/A5 attacked one Poomani on her back side with wooden log, thereby caused injury and she has not attacked the deceased.

4.Per contra, the learned Government Advocate (Criminal side) submitted that due to common wall dispute on 18.07.2015, all the accused have trespassed into the house of the de-facto complainant with wooden log and attacked the deceased and other witnesses and therefore, the anticipatory bail petition of the petitioner has to be dismissed.



5.However, considering the overtact attributed against the petitioner, 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, Peraiyur 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 until further orders. 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/-
01/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE
PERAIYUR

2 DO THRO THE CHEIF JUDICIAL
MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S S.SOUNDARAPANDIAN Advocate SR.No.58442.

ORDER
IN
CRL OP(MD) No.18979 of 2015
Date :01/10/2015

AM/07.10.2015/NGM.SS/SAR-I/2P/6C