



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12591 of 2016

S.SANTHA

... PETITIONE / ACCUSED NO.6

Vs

STATE REB.BY

THE INSPECTOR OF POLICE,
NATCHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.

(CRIME NO.56 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S C.PRAKASAM Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

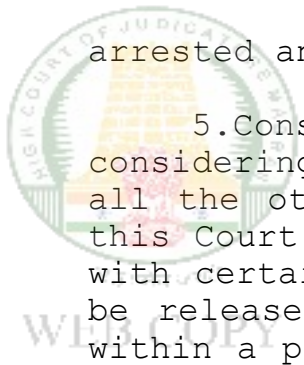
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.6, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b) and 302 IPC, in Crime No.56 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 25.02.2016, due to dispute with regard to ancestral property, the petitioner and other accused persons murdered the deceased. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that A.1 is the paternal uncle of the deceased. The petitioner is the wife of A.1 and aged about 60 years. She underwent spinal cord surgery and in another surgery her uterus has been removed and she is not able to move freely from one place to another place due to the spinal cord surgery. She is an innocent and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. All the other accused were already arrested and enlarged on bail by this Court, vide order dated 21.04.2016 made in Crl.O.P(MD)No.6668 of 2016. Statement of the witnesses were recorded and investigation has been completed.

4.The learned Government Advocate (Criminal side) submitted that the petitioner and other accused persons conspired together and murdered the deceased. The other accused persons were already



arrested and enlarged on bail. Investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the occurrence took place on 25.02.2016 and all the other accused were already arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kumbakonam, Thanjavur District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

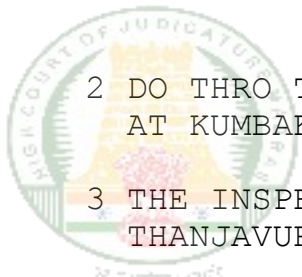
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26/07/2016

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

TO

1 THE JUDICIAL MAGISTRATE, KUMBAKONAM, THANJAVUR DISTRICT.



2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THANJAUR DISTRICT.
AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, NATCHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S C.PRAKASAM Advocate SR.No.39465

ORDER

IN

CRL OP (MD) No.12591 of 2016

Date :26/07/2016

SDR/ARK-PV/SAR III/27.07.2016/3P/6C