



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15891 of 2016

MARIAMMAL

... PETITIONER/ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION
TIRUNELVELI DISTRICT
CR.NO.123 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.VENKATESH Advocate

For Respondent : 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, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 279, 338, 304(A) IPC @ 120 B & 302 IPC, in Crime No.123 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that there was enmity with regard to fishing right in Ananthankulam between the two groups. Regarding the same, one Balakrishnan gave a complaint against the deceased namely Adivetti and Mahesh. They were enlarged on bail and complying with the condition. Due to that enmity, the accused persons conspired together to kill both the deceased and on 10.09.2015, when both the deceased were travelling along with three others in a share auto bearing Registration No.TN-76-F-3918, driven by one Karuppasamy, one Thirumalaikumar (A.1) drove a lorry bearing Registration No.TN-45-AW-2987 in a rash and negligent manner from opposite side and dashed against the share auto and caused death. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an <https://hcservices.com/govt/hcservices/> and she has not committed any offence as alleged by the prosecution. Originally complaint was given only against A.1 and based on his confession, other accused were impleaded and some of



the accused were enlarged on statutory bail and some of the accused were released on regular bail and charge sheet has been filed and taken on file in P.R.C.No.44 of 2016 by the learned Judicial Magistrate, Shengottai.

4.The learned Government Advocate (Crl. side) submitted that due to previous enmity with regard to fishing right in Ananthankulam, all the accused persons conspired together and drove the lorry in a rash and negligent manner and dashed against the share auto, in which the deceased persons along with others were travelling and caused death of the deceased persons and investigation has been completed and charge sheet has been filed and taken on file in P.R.C.No.44 of 2016.

5.Considering the fact that the occurrence took place on 10.09.2015 and charge sheet has been filed and taken on file in P.R.C.No.44 of 2016 and the co-accused were already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Tenkasi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 10.30 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.

sd/-

29/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

WEB COPY

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION
TIRUNELVELI
DISTRICT

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

+1. CC to M/S D.VENKATESH Advocate SR.No.48300

ORDER

IN

CRL OP(MD) No.15891 of 2016

Date :29/08/2016

NBJ

SD/SKS-RR/SAR-I/01.09.2016/3P/6C