



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

Thursday, the Twenty Fifth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2967 of 2016

MARIYAMMAL

... PETITIONER/ ACCUSED

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner :MR.V.KATHIRVELU Senior Counsel for
M/S K.PRABHU Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Cr1. Side)

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

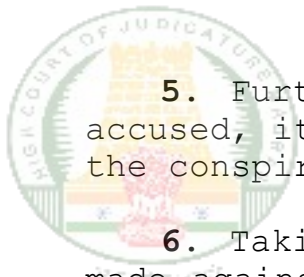
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 279, 338, 304(A) I.P.C., @ 120(b), 302 I.P.C., in Crime No.123 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.V.Kathirvelu, learned senior counsel for Mr.K.Prabhu, learned counsel on record for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is the case of the prosecution that the petitioner herein along with two others had conspired to do away the persons, against whom they had pre-enmity, by knocking down the auto-rickshaw in which they were travelling and on account of which six persons lost their lives.

4. The learned senior counsel has submitted that the co-accused were arrested and enlarged on bail. In the considered opinion of this Court, that cannot be a good reason for granting anticipatory bail to the petitioner herein in view of the gravity of the offence alleged. It is seen that initially the case was registered under Section 304(A) I.P.C., and only during the thorough investigation it came into light that it was a murder case and hence it was altered into Sections 120(b) and 302 I.P.C.



5. Further, on reading of the confession statement of the co-accused, it is seen that the petitioner herein had also took part in the conspiracy to commit the murder as if it is a motor accident.

6. Taking into consideration the serious nature of allegations made against the petitioner herein inasmuch as she has been part of the conspiracy, this Court is not inclined to grant anticipatory bail to her though the co-accused have been enlarged on bail. Hence, this criminal original petition is dismissed.

sd/-

25/02/2016

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION, TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP (MD) No.2967 of 2016

Date : 25/02/2016

krk

AA/SK-SKN/04.03.2016/2p-3c