



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

Tuesday, the Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3392 of 2019

SANTHIYA

... PETITIONER / ACCUSED

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
KANNIVADI POLICE STATION,  
DINDIGUL DISTRICT  
(CRIME NO.45/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.RAMESHKUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate (Crl.Side)

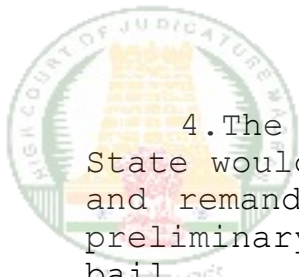
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 and 307 of IPC@ 302 of IPC in Cr.No.45 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the neighbour of the petitioner/accused. There was a dispute between the defacto complainant and the deceased family with regard to the barking of the dogs. On 24.02.2019 there was a wordy quarrel between the petitioner and the defacto complainant regarding barking of dogs and thereby the petitioner and her husband entered quarrel with the defacto complainant's son for which the petitioner attacked the defacto complainant with sticks and thereafter husband of A2 attacked the deceased with aruval, thereby he sustained fatal injuries and died in the hospital. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the wife of A1 and there is no specific overt act against her. He would also submit that the only allegation against her is that she attacked the deceased with stick and which will not lead to the death of the accused. Accordingly, he prayed for anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner herein is A2. A1 was arrested and remanded to judicial custody and the investigation is at the preliminary stage and vehemently opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is a lady and present in the scene of occurrence and also considering the fact that the petitioner said to have beaten the deceased only with stick, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/03/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,  
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL.



3 THE INSPECTOR OF POLICE  
KANNIVADI POLICE STATION,  
DINDIGUL DISTRICT .

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

+1 CC to M/s.D.RAMESH KUMAR, Advocate SR-4277

ORDER  
IN  
CRL OP (MD) No.3392 of 2019  
Date :05/03/2019

JM/JC/SAR 2/06.03.2019/3P/6C