



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

Tuesday, the Nineteenth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP (MD) No.2564 of 2019

MURUGESWARI

... PETITIONER / ACCUSED

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION, DINDIGUL.
(CRIME NO.53/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SUKUMAR, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

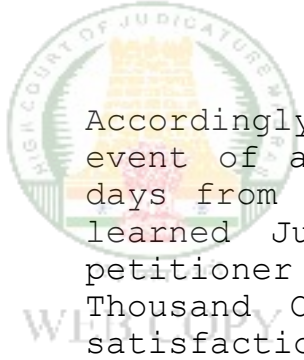
The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 302, 307, 309 IPC in Cr.No.53 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the mother of the petitioner. The petitioner married one Balakrishnan and out of the wedlock, they have blessed with three children. It is alleged that the petitioner's husband was addicted to alcohol drinks, due to which the petitioner suffered lot and hence, she drunk Arali Seeds and gave the same to her children and thereby, the third son was died, however, the petitioner and other children were secured. Hence, the mother of the petitioner preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she is an innocent person. He would further submit that the petitioner is very much affection with her children and due to frustration and mental agony, it was happened.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner committed murder of her own son and admittedly the petitioner and other sons were secured. He would further submit that investigation is pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



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, Nilakottai, 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 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 as and when required;

(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/-

19/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, NILAKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION, DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.SUKUMAR Advocate SR.No.3441

ORDER IN

CRL OP(MD) No.2564 of 2019

Date :19/02/2019