



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.268 of 2019

GILTA MARY

... PETITIONER / ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO. 279 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SIVABALAN Advocate

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

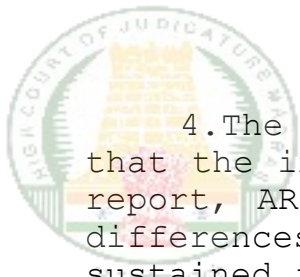
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 452, 294(b), 302 I.P.C, in Crime No.279 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons moved the marriage proposals to the deceased but she was not taken any step to arrange the marriage between her son and the accused's daughter, due to that motive all the accused persons entered into the defacto complainant's house on 07.12.2018 at 12.00.p.m, attacked the defacto complainant's mother with hands and kicked her. Thereafter, she was admitted in the hospital and she was died on 11.12.2018. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not entered into the defacto complainant's house, since there was a dispute between the petitioner and the deceased's family, who are close relatives. She has been falsely implicated in this case.



4. The learned Government Advocate (Criminal Side) would submit that the investigation in this case is almost over and post-mortem report, AR copy had also been produced and there seems to be some differences in the manner of the assault beyond the injuries sustained in these documents.

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5. On perusal of the post-mortem report, it is seen that the death would be caused due to hyperventilation failure. Further, there is no weapon has been used and the assault was only with the hands and legs.

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

6. Accordingly, the 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 Court, Papanasam, 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 said Magistrate, on further condition that:

[a] the petitioner shall appear before the All Women Police Station, Papanasam, Thanjavur District, daily at 10.30.am., for a period of two weeks, thereafter as and when required for interpretation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/02/2019

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



TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.

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

4 THE INSPECOTOR OF POLICE,
ALL WOMEN POLICE STATION, PAPANASAM,
THANJVUR DISTRICT.

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

+1. CC to M/S.K.SIVABALAN Advocate SR.No. 2118

ORDER

IN

CRL OP(MD) No.268 of 2019

Date :01/02/2019

DAS

JM-MS/PN/SAR 4/01.02.2019/3P/7C