



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

Wednesday, the Tenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5431 of 2019

T.PETCHIYAMMAL

... PETITIONER / ACCUSED NO.7

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME.NO.113/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MALAIKANI Advocate

For Respondent : Mr.S.CHANDRA SEKAR,Additional Public Prosecutor

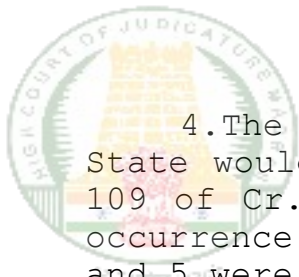
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 109, 294(b), 302 and 506(ii) of IPC, in Cr.No.113 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is wife of one Thangapandi. Previously, the petitioner elected as Village President in which he requested the defacto complainant to employ as accountant. However, she refused. Thereafter, there was enmity prevailing between the petitioner's family and the defacto complainant's family. Due to which, the petitioner's husband brutally attacked the defacto complainant's husband at Kaalapandavar Mangalam, thereby he sustained injury and succumbed. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. He further submits that in fact they alleged that the defacto complainant refused to employ as an accountant under the petitioner. Except this allegation, there is no other allegation is attributed against the petitioner. Accordingly, he prayed for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the State would submits that the petitioner is implicated under Section 109 of Cr.P.C and the petitioner is not available in the scene of occurrence. Further, he submits that the other accused Nos.1, 2, 4 and 5 were already detained under Goondas Act.

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5.Considering the facts and circumstances of the case and considering the fact that the petitioner is not available in the scene of occurrence and since the only allegation is that the petitioner compel the defacto complainant to employ as an accountant under her, 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, Kovilpatti, 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 Inspector of Police, All Women Police Station, Kovilpatti, 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/-

10/04/2019

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE NO-II,
KOVILIPATTI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 5 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.MALAIKANI Advocate SR.No.6497

PS/VR/SAR-3/12.04.2019/3P/7C

ORDER

IN

CRL OP (MD) No.5431 of 2019

Date :10/04/2019