



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

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.23021 of 2018

P.MUNEESHWARI @ EASWARI

... PETITIONER / ACCUSED

RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION (L&O) ,
MADURAI, MADURAI DISTRICT
CRIME NO. 1062 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.JEYAKUMARAN Advocate

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

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

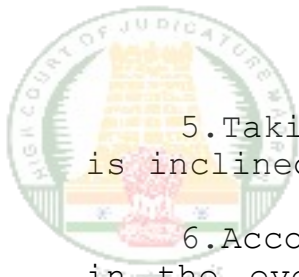
ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Section 294(b), 323, 498(A), 306 of IPC, in Cr.No.1062 of 2018 seek anticipatory bail.

2.The case of the prosecution is that the petitioner called the defacto complainant's husband over phone. When the defacto complainant questioned about the same, her husband along with his father and mother scolded and abused and attacked the defacto complainant. Hence, she poured the petrol and set fire herself. Hence, the complaint. After the complaint, the defacto complainant died. Hence, the offence under Section 306 IPC was added.

3.The learned counsel for the petitioner would submit that a false case has been foisted against her and she had nothing to do with the alleged crime. The petitioner's name was not added in the FIR and even in the dying declaration also the defacto complainant has not mentioned the name of the petitioner.

4.The learned Government Advocate (Crl. Side) submits that co-accused were granted anticipatory bail in Crl.O.P.(MD).No.21176 by order dated 20.12.2018. The petitioner is A4.



5. Taking into consideration the facts 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 No. IV, Madurai, 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] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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/-
07/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO IV, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI
- 3 THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION L&O, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.J.JEYAKUMARAN Advocate SR.No. 388

ORDER IN
CRL OP (MD) No.23021 of 2018
Date : 07/01/2019