



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11191 of 2019

Sivagami,

... Petitioner/Sole Accused
Vs

State rep by
The Inspector of Police,
Ayakudi Police Station,
Dindigul District,
Crime No.119 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.Sivabalan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.119 of 2019 on the file of the respondent

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 302 of IPC, Crime No.119 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner herein is aged about 55 years and she has been falsely implicated in the above case. He further submitted that as per the FIR, on the previous occasion, the petitioner herein went to the working place of the defacto complainant and criminally intimidated that she will murder one Sankar. Except the said



allegation, no other overt act has been attributed against the petitioner herein. A1 & A4 were arrested and remanded to judicial custody and A6 was surrendered before the Judicial Magistrate and he is also in custody. He further submitted that absolutely there is no necessity to arrest the petitioner herein and therefore, he prayed anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner herein came to the working place of the defacto complainant on several times and informed him that she will murder his son namely Sankar. He further submitted that after registering the FIR, during investigation, A1 to A4 were arrested and remanded to judicial custody. A1 gave a confession statement stating that a conspiracy was hatched in the house of the petitioner herein and only in pursuance of the said conspiracy, the deceased was murdered. Therefore, the interrogation of the petitioner is absolutely necessary. Hence, he strongly opposed this petition.

5.This is the second application seeking anticipatory bail. The previous application in Crl.O.P.(MD).No.7712 of 2019 was dismissed by this Court on 01.07.2019, after taking into consideration of the submissions made by the learned Additional Public Prosecutor that the conspiracy was hatched in the house of the petitioner and only in pursuance of the said conspiracy, the deceased was murdered and also the submission of the learned Additional Public Prosecutor that the custodial interrogation of the petitioner is absolutely necessary. There is no change of circumstances in the present case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this petition is dismissed.

sd/-
08/08/2019

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
AYAKUDI POLICE STATION, DINDIGUL DISTRICT,



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

ORDER

IN

CRL OP(MD) No.11191 of 2019

Date :08/08/2019

KM/PN/SAR-II (21.08.2019) 3P 3C