



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

Date : 18/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD) . No.6336 of 2020

R. Ponnumari,

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
Crime No.21/2020.

... Respondent/Complainant

For Petitioner : Mr. D.Vijayaragavan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.21 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(II) and 302 of IPC., and Section 4 of TNWH Act, in Crime No.21 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner, who is A2, induced A1 to attack the wife of de-facto complainant, due to <https://hcservices.ecourts.gov.in/hcservices/> Subsequently, A1 attacked the deceased with wooden



stick and due to the injuries, she died in the hospital, after three days.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she did not commit any offence as alleged by the prosecution.

5.The learned Government Advocate (criminal side) appearing for the State, on instructions, would submit that the petitioner instigated her son to assault the deceased. Due to which, the deceased sustained injuries and subsequently, she died in the hospital, after three days.

6. Considering the facts and circumstances of the case and also considering the overt act attributed against the petitioner that the petitioner only instigated A1 to assault the deceased, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.2, Usilampatti and on her executing 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 learned Magistrate concerned;

(ii) The petitioner shall appear before the respondent, as and when required, for interrogation.

(iii) 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

(iv) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
18/06/2020

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6336 of 2020
Date :18/06/2020

skn/mpk
AE/PN/SAR-III (23.06.2020) 3P 5C