



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

Date : 09/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.6629 of 2020

1. Thavamani

2. A. Rasammal @ Rajathi

... Petitioners/Accused No.4 and 5

Vs

The State through
The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District,
(In Crime No. 65 of 2020).

... Respondent/Complainant

For Petitioners : M/s.S.Malaikani,
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. 65 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

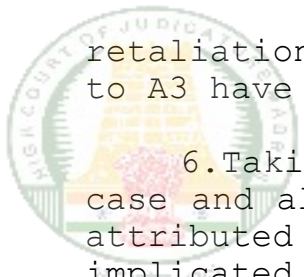
The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 120(B),
341, 294(b), 302 and 506(ii) of IPC, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that due to previous enmity
between the petitioners family and the deceased family in respect of
murder of A4's Son , on the date of occurrence at the instigation of
A4 and A5, A1 to A3 attacked the deceased with deadly weapons and
caused death.

4. The learned counsel for the petitioners would submit that
the main accused namely A1 to A3 were arrested and subsequently
released on bail by this Court on 12.06.2020. He would also submit
that since the petitioners are mother and sister of A1 they did
not present in the scene of occurrence and they have been falsely
implicated in this case.

5. The learned Government Advocate(Crl.Side) would submit
<https://hcservices.ecourts.gov.in/hcservices/>
that it is a retaliation murder. Earlier A4's son was murdered by
the deceased and the criminal case is pending against him . In



retaliation, at the instigation of the petitioners A A4 and A5, A1 to A3 have attacked the deceased and caused death.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that no specific overt act is attributed to the petitioners and the petitioners have been implicated with the aid of 120(b) of IPC and also the fact A1 to A3 in this case, were granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Dindigul and report before Dindigul Town Police Station daily at 10.30 a.m until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

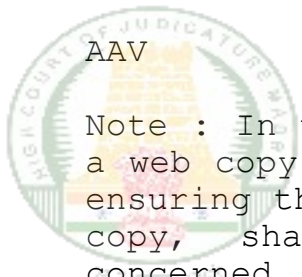
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09.07.2020

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/ /2020

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



AAV

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

1. The Judicial Magistrate No.I,
Virudhunagar
- 2.-Do- Through The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.
3. The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District,
4. The Inspector of Police,
Dindigul Town Police Station,
Dindigul
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6629 of 2020

Date : 09/07/2020

VB SKN SAR 2 (13.07.2020) 3P 6C