



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.7630 of 2020

M.Chitra

... Petitioner/Accused No.5

Vs

The State Rep. by
The Inspector of Police,
Muthiapuram Police Station,
Thoothukudi,
Tuticorin District.
Cr.No.287 of 2020.

... Respondent/Complainant

For Petitioner : M.S Ka.Raamakrishnan,
Advocate.
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

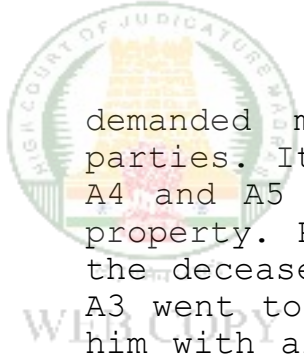
For Anticipatory Bail in Crime No.287 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 452, 302 and 109 IPC seeks anticipatory bail.

2. Heard both sides.

3. There are totally five accused in this case. The petitioner herein is arrayed as A5. The deceased is the son-in-law of the petitioner. The case of the prosecution is that earlier A5 in this case who is the mother -in -law of the deceased has given a piece of land to the deceased for constructing house therein and received some amount. Thereafter A1 in this case who is son of A5 had



demanding more money, therefore there was quarrel between the parties. It is also stated that the deceased in this case requested A4 and A5 to execute sale deed in his favour for the above said property. Prior to the date of occurrence there was quarrel between the deceased and A1 and on the same day night A1 along with A2 and A3 went to the house of the deceased and indiscriminately attacked him with aruval and other weapons and caused his death. Hence the complaint

4. The learned counsel for the petitioner would submit that the petitioner is the mother-in-law of the deceased and absolutely there is no material to implicate the petitioner herein that she involved in the above said crime. Infact she only gave property to the deceased. Even in the confession of A1 there is no mention about A5.

5. The learned Additional Public Prosecutor would submit that the petitioner is the mother-in-law deceased and she only instigated A1 to A3 to commit the murder of the deceased in a property dispute.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the main allegations are against A1 to A3 only and so far as this petitioner is concerned she has only given the property to the deceased who is his son-in-law and received the amount and A1 is said to have demanded money and attacked him, there is no other material to implicate her in the above said crime, hence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tuticorin on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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 petitioner 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 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]**; and;

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

sd/-
19/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.

TO

1. THE JUDICIAL MAGISTRATE No.II, TUTICORIN.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
MUTHIAPURAM POLICE STATION,
THOOTHUKUDI,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.7630 of 2020
Date :19/08/2020