



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

Date : 31/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8924 of 2020

PANDIYAMMAL

... PETITIONER/ACCUSED NO.5

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
AUSTINPATTI,
MADURAI DISTRICT
CRIME NO. 51 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.T.Vadivelan,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

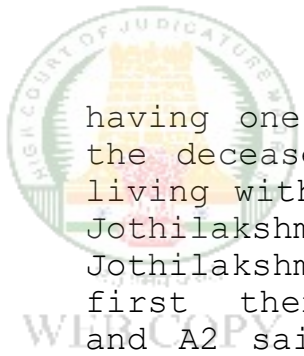
For Anticipatory Bail in Crime No.51 of 2020 on the file of the Respondent Police

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 120(B), 109 and 302 of 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 case of the prosecution is that, the deceased Manikandan in this case was married to one Jothilakshmi who is the daughter of A3, in this case and the petitioner herein is the grand mother of the said Jothilakshmi. The marriage between the deceased and the said Jothilakshmi took place two years ago and



having one female child. Thereafter due to family dispute between the deceased and his wife she left the matrimonial home and was living with her parents. A1 in this case want to marry the said Jothilakshmi with the help of A3 and A3 the mother of the said Jothilakshmi said to have instigated A1 to finish the deceased first then only he can get married to her daughter. Thereafter A1 and A2 said to have attacked the deceased and caused his death. Based on the complaint given by the mother of the deceased crime has been registered. So far as this petitioner is concerned she is only the grand mother of the said Jothilakshmi, also instigated A1 to murder the deceased.

4. The learned counsel for the petitioner would submit that the petitioner is the grand mother of the deceased and absolutely no specific overt act has been attributed against her and she has been falsely implicated in the above case. A4 who is the uncle of A1, who also said to have took part in the conspiracy was granted anticipatory bail. He would also submit that A1 to A3 were arrested and still in judicial custody.

5. The learned Additional Public Prosecutor would submit that the petitioner herein is also the part of conspiracy and she also instigated A1 to murder the deceased. A1 is the main accused and he is still in judicial custody.

6. From the perusal of the First Information Report, it is seen that the petitioner herein is the grand mother of the said Jothilakshmi and A1 in this case want to marry Jothilakshmi, who is the daughter of A3, for which A3 and the petitioner instigated A1 to murder the deceased which will give way for his marriage with the said Jothilakshmi. From the materials available on record it is seen that A3 has instigated A1 to commit the murder and A1 and A2 said to have attacked the deceased and caused his death. So far as this petitioner is concerned, she was also present when A3 instigated A1.

7. Taking into consideration the facts and circumstances of the case and also taking note of the fact that similarly placed co-accused namely A4 in this case was released on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Thirumangalam 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

<https://hcservices.courts.gov.in/hcservices/> 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/-
31/08/2020

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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,
THIRUMANGALAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION,
AUSTINPATTI, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8924 of 2020
Date : 31/08/2020

AAV

<https://hcma.cslm/insdor/in/Dec/09.2020/3P/5C>