



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

Date : 02/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9217 of 2020

Suloksana ... Petitioner/Accused No.5

Vs

The State rep.by
The Inspector of Police,
Chinnamanur Police Station,
Chinnamanur,Theni District.
Crime No.1956 of 2020

... Respondent/Complainant

For Petitioner : M/s.S.Muniyandi,
Advocate.

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

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

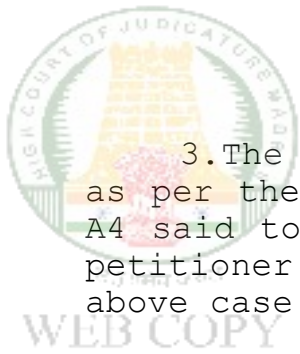
PRAYER :-

For Anticipatory Bail in Crime No. 1956 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),452,324,307 and 302 of IPC seeks anticipatory bail.

2. The case of the prosecution is that the accused persons are having agricultural field and the deceased in this case said to damaged the sugar cane in the agricultural field using his bull due which there was a quarrel between the parties. On 21.08.2020 at about 8.00 pm.,all the accused went to the house of the deceased and quarrelled with him. Thereafter once again at 9.00 p.m., all the accused again went to the house of the deceased with deadly weapons and A1 to A4 in this case said to have attacked the deceased indiscriminately with knife and caused his death. At that time the petitioner herein who is the wife of A4 said to have present in the scene of occurrence and she also pelted stone on the deceased and thereafter left the scene of occurrence.



3.The learned counsel for the petitioner would submit that even as per the First Information Report the allegation is that A1 to A4 said to have attacked the deceased and caused his death and the petitioner being wife of A4 she has been falsely implicated in the above case.

4.The learned Additional Public Prosecutor would submit that due to previous motive all the accused persons went to the house of the deceased with dangerous weapon and caused his death. So far as this petitioner is concerned she pelted stones on the deceased.

5. From the perusal of the record it is seen that the motive is trivial in nature, and as per the First Information Report A1 to A4 said to have attacked the deceased and caused his death. So far as this petitioner she being the wife of A4 was present only in the earlier occurrence at 8.00 pm.,and subsequently she only pelted stones on the deceased. Except this no other allegation has been levelled against the petitioner.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that main allegations are against A1 to A4 only, 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, Uthamapalaym 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 or the Judicial 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/-
02/09/2020

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

ORDER
IN
CRL OP(MD) No.9217 of 2020
Date :02/09/2020

AAV
TK/PN/SAR.2/04.09.2020/3P/5C