

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.16647 of 2020

Pangajam @ Bankajam Mani

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Marandahalli Police Station
Dharmapuri.
(Crime No.1073/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.1073 of 2020 pending on the file of the respondent.

For Petitioner : Mr.I. Abdul Basith

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as 2nd accused. She has been implicated in a crime for the offence punishable under Sections 307 of I.P.C. and subsequently altered to 302 I.P.C. in Crime No.1073 of 2020 and now, she has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the deceased is a son-in-law of the petitioner. On the date of occurrence, there was a wordy quarrel between the deceased and the petitioner's family, in which the deceased said to have attacked the petitioner and caused injuries in the head. In retaliation, A1-husband and A-3, son of the petitioner attacked the deceased with iron rod and caused injury and immediately, he was admitted in the hospital. Based on the complaint, a criminal case was registered under Section 307 I.P.C. and subsequently, on the next day, he succumbed injuries. In the said circumstances, the offence has been altered to 302 I.P.C. A1 and A3 already arrested and released on bail.

3. The learned counsel appearing for petitioner would submit that, the occurrence taken place due to a wordy quarrel, in which, the deceased attacked the petitioner and caused injuries and he has taken treatment for 7 days. Thereafter, in retaliation, the occurrence has been taken place and even in the F.I.R., it was stated that A1 and A3 only attacked the deceased and caused injury, subsequently, he succumbed injuries. He would submit that there no specific overtact attributed against the petitioner. A1 and A3 were arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor had opposed the anticipatory bail petition stating that it is a case of murder, and the petitioner is arrayed as A2. He would also submit that A1 and A3 were arrested and they were already released on bail.

4. Taking into consideration of the fact that the petitioner is a mother-in-law of deceased, in a wordy quarrel, earlier, the deceased attacked the petitioner and he has caused injury on her. Thereafter, in retaliation, A1 and A3 attacked the deceased. Even in the F.I.R. also, it is stated that A1 and A3 alone attacked the deceased. The arrested accused A1 and A3 were already released on bail. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palacode on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-
07/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PALACODE.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT.

+1CC to M/S.I.ABDUL BASITH Advocate on payment of necessary charges SR NO.167

CRL OP.16647/2020

Date :07/01/2021

MK:19/01/2021