

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20919 of 2020

Amina @ Amina Bee

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.
(Crime No.1681 of 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 his arrest in Crime No.1681 of 2020 pending on the file of the respondent.

For Petitioner : Mr.N.Ranjith Kumar

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

ORDER

(The case has been heard through video conference)

Totally, there are 13 accused and the petitioner is arrayed as A4. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 147, 341, 120(b), 302, 34 of I.P.C. in Crime No.1681 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the deceased is son of first wife and A1 is through his first wife. There was a family dispute between the parties, due to which, friend and relative of second wife, who is arrayed as A2 has conspired together and attacked the deceased, thereby caused his death. In the said circumstances, the present complaint has been filed against the petitioner.

3. The learned counsel appearing for petitioner would submit that the petitioner is only "Sambanthi" of A2, and she has been falsely implicated with the aid of Sec. 120(b) of I.P.C. He would submit that the main allegation attributed only against A1 and A2 and they have been arrested and they were released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is mother-in-law of A9 and she has been implicated with the aid of Sec. 120(b) of I.P.C. He would submit that she had also conspired with others for committing murder of deceased. He would also submit that the petitioner, being a Sambanthi of A2, she had actively participated in the conspiracy and she had also instigated the other accused in committing murder of deceased. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the petitioner, being "Sambanthi" of A2, she has been implicated with the aid of Section 120(b) of I.P.C. and no specific overtact attributed against her and also considering the fact that the other arrested accused A1 and A2 were released on bail, 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 No.II, Ulundurpet, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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.

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

-sd/-

20/01/2021

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,
NO.II, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S. N.RANJITH KUMAR Advocate on payment of necessary charges

CRL OP.20919/2020

Date :20/01/2021

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MN-03/02/2021