



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.880 of 2021

Mahadevi

... Petitioner/Accused No.2

Vs

State rep.by,
The Inspector of Police,
Vilathikulam Police Station,
in Crime.No.28/2021,
Thoothukudi District..

... Respondent/Complainant

For Petitioner : M/s.Subash Babu.M,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

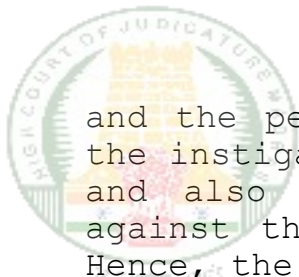
PRAYER :-

For Anticipatory Bail in Crime No.28/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 302 and 506(ii) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the deceased, namely, Sankaralingam. The petitioner is the own sister of the deceased. Eight years back, the de-facto complainant's husband borrowed a sum of Rs.50,000/- from A-1, who is the husband of the present petitioner. Thereafter, he failed to repay the same, due to which, there was a wordy quarrel between two families and there was frequent quarrel between them on various occasions. On 16.01.2021, the deceased was sitting near the temple



and the petitioner's husband A-1 was driven by two-wheeler and on the instigation of A-2, he abused the deceased and kicked him by leg and also strangled his neck with hand and slammed his head against the temple wall, finally the deceased was done to death. Hence, the complaint.

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3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and she has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the de-facto complainant's husband borrowed a sum of Rs.50,000/- from A-1 and thereafter, failed to repay the same, there was a wordy quarrel between the parties. On 16.01.2021, the deceased was sitting near the temple, at that time, the petitioner and A-1 was driven by two-wheeler and on the instigation of A-2, A-1 was attacked the deceased. Therefore, the deceased done to death and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.It is seen that the de-facto complainant is the wife of the deceased, namely, Sankaralingam. The petitioner is the own sister of the deceased. The de-facto complainant's husband borrowed a sum of Rs.50,000/- from A-1, the husband of the present petitioner, eight years back. Thereafter, he failed to repay the same, due to which, there was a wordy quarrel between the two families and frequent quarrel between them on various occasions. On 16.01.2021, the deceased was sitting near the temple, at that time, A-1 was driven by two-wheeler, there was a wordy quarrel between them, A-1 was attacked the deceased and finally, the deceased was done to death. The petitioner had been roped in this case and the overt act against the petitioner is that she had instigated her husband A-1 and committing offence. Admittedly, the petitioner was not present in the scene of occurrence and there is no specific overt act attributed against her with regard to the scene of occurrence.

6.Considering the same, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m., until further orders.

(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/-

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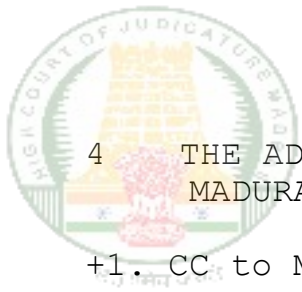
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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,
VILATHIKULAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.1602

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ORDER

IN

CRL OP(MD) No.880 of 2021

Date :01/03/2021

NR/PN/SAR-IV(08.03.2021) 4P:6C