



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10834 of 2021

Nallammal ... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Kattuputhur Police Station,
Kattuputhur,
Trichy District.
(Crime No.204/2021)

... Respondent/Complainant

Anandhan ... Petitioner/Deceased Defacto-Complainant's son

For Petitioner : Mr.K.ARUNRAJ, Advocate

For Respondent : Mr.T.SENTHILKUMAR,
Additional Public Prosecutor(crl.side)

For Intervenor : Mr.PRAGADESH KUMAR, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.204 of 2021 on the file of the respondent Police.

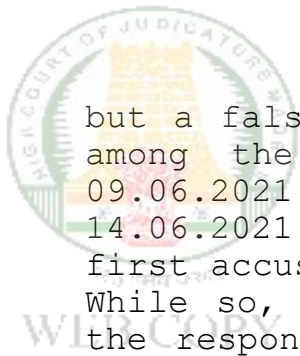
ORDER : The Court made the following order :

The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324, 307, 506(ii) IPC @ 302 IPC, in connection with the case in Crime No.204 of 2021, has filed this application for anticipatory bail.

2.The victim in this case is the younger brother of the first accused. The second accused / petitioner herein is the wife of the first accused and the third accused is their son. There was a dispute owing to a partition among the family properties and in this regard, there was a scuffle and the victim was assaulted by the accused persons. Hence the complaint. Pending the complaint, the victim died and therefore, the offence was altered.

3.Learned Counsel for the petitioner submitted that the petitioner is an innocent woman and has not committed any offence,

<https://hcservices.ecourts.gov.in/hcservices/>



but a false case has been foisted as against her. It is a dispute among the family members. The occurrence had taken place on 09.06.2021 and the victim was discharged from the hospital on 14.06.2021. Since the victim was discharged from the hospital, the first accused, who was arrested, was enlarged on bail on 21.06.2021. While so, on 06.07.2021, the victim died due to heart attack. But the respondent police has altered the charge to the offence under Section 302 IPC. Therefore, the learned Counsel prayed for grant of anticipatory bail to the petitioner.

4.Learned Additional Public Prosecutor for the respondent submitted that the petitioner was also present in the scene of occurrence. She has assaulted the victim with a wooden log on his chest and caused injury on the vital part of the victim.

5.Learned Counsel for the intervenor submitted that the victim has suffered three major injuries and his lung was also collapsed. Though the victim was discharged from the hospital on 14.06.2021, he died only due to the injury caused by the petitioner and the other accused. He has also relied upon the postmortem certificate of the deceased.

6.Admittedly, the deceased was discharged from the hospital on 14.06.2021 and thereafter, on 06.07.2021, he died. It is the specific case of the intervenor that the deceased died due to the injuries caused by the accused and he has also relied upon the postmortem certificate of the deceased. There are specific overt acts available as against the petitioner. Even though the petitioner has relied upon the grant of bail to the first accused by the Sessions Court, the fact remains that the bail was granted to the first accused considering the period of incarceration and also the fact that the victim was discharged from the hospital. But after the discharge from the hospital, the victim died.

7.In the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition stands dismissed.

sd/-

27/09/2021

/ TRUE COPY /

/ /2021

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 INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,
KATTUPUTHUR,
TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10834 of 2021

Date : 27/09/2021

SA/VR/SAR.3/30.09.2021/3P/3C