



WEB COPY

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

Date : 27.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14156 of 2021

Sivagamiammal

... Petitioner/Accused No.5

Vs

State rep. by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Crime No.203/2021)

... Respondent/Complainant

For Petitioner : M/s.H.Arumugam, Advocate

For Respondent : M/s.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.203 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 147, 148, 120(b), 294(b), 302 IPC in connection with the case in Crime No.203 of 2021, has filed this application seeking anticipatory bail.

2.The prosecution case is that the brother of the deceased, Alagumalai, namely, Sankar was elected as the President of the Panchayat and the deceased supported his brother during the election. The fourth accused - Murugesan, who is the husband of the petitioner [A5] and the other accused supported the other contesting candidate in that election and therefore, there was a motive between them. On 20.08.2021, the accused nos.1 & 2 attacked the defacto



complainant's sister-in-law and mother-in-law and threatened the deceased and his brother. In this regard, a complaint was lodged. Subsequently, on 15.09.2021, all the accused persons have conspired together and have murdered the deceased. Hence, the complaint.

3. Learned Counsel for the petitioner submitted that the petitioner is a 68 years old woman and a retired Teacher. She is an innocent and has not committed any offence. The occurrence had taken place in front of her house and the Deputy Superintendent of Police, Manamadurai, has examined her as a witness. While so, she has been arrayed as a accused in this case. Therefore, the learned Counsel prayed for grant of anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent opposed for the grant of anticipatory bail and submitted that the investigation is yet to be completed.

5. Considering the overall facts and circumstances of the case, the manner in which the petitioner was roped-in in this case, the overt act attributed as against the petitioner and her status, this Court is inclined to grant anticipatory bail to the petitioner, however, with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppuvanam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during the investigation or trial.

[d] the petitioner shall not abscond either during the 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 has been 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]**.

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

WEB COPY

Sd/-
27/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

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,
THIRUPPUVANAM.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14156 of 2021
Date :27/09/2021