



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13760 of 2022

UMA MAHESHWARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
INSPECTOR OF POLICE,
GUDUVANCHERY POLICE STATION,
CHENGALPATTU DISTRICT
(CIRME NO.94/2022)

[RESPONDENT]

For Petitioner : M/S.G.KRISHNAMURTHY Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302, 341, 120 (b), 147, 148 and 294 (b) of Indian Penal Code, 1960 (as amended) in Crime No.94 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that A1 is the son of the deceased and petitioner is the wife of A1. Due to previous enmity between the deceased and A1 to A5 regarding family property, A1 to A5 attacked the victim with deadly weapons and due to which the victim sustained grievous injuries and died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that as far as the petitioner is concerned she had no specific overt act even according to the case of the prosecution and she was also not present on the scene of crime. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 7 accused in which the petitioner is arrayed as A7. Due to previous enmity between the A1 and deceased, A1 to A5 attacked the deceased with deadly weapon, due to which the deceased sustained grievous injuries and died. Already there was a dispute between the A1 and the deceased due to which the complaint has been given by the deceased and the same was registered in Crime No.319 of 2021 as against the A1. Previous to this present occurrence, the petitioner threatened the deceased to withdraw the earlier complaint as against the first accused in Crime No.319 of 2021. Therefore, the petitioner has been added as an accused under Section 120 B I.P.C. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen that there are totally seven accused in which the petitioner is arrayed as A7. Admittedly, the petitioner is not present at the time in the scene of crime and she had no specific overt act. Even according to the case of the prosecution, A1 to A5 attacked the deceased with deadly weapons due to which he sustained grievous injuries and died. Petitioner has been added for the offence under Section 120 B I.P.C. That apart, A1 to A5 are arrested and subsequently remanded to judicial custody. Thereafter, the Court below granted bail to A1 to A3 and A5. Considering the above facts and circumstances, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Chengalpattu, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each 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, failing which, the petition for anticipatory bail shall stand dismissed 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 morning at 10.30 a.m. and evening at 5.00.p.m. for a period of two weeks and thereafter as and when required.

[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].

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

-sd/-

15/06/2022

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, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GUDUVANCHERY POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.KRISHNAMURTHY Advocate on payment of necessary charges SR.NO. 9286

CRL OP.13760/2022

Date :15/06/2022

RW-20/06/2022