



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22785 of 2022

Malarkodi

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Crime No.669/2022).

... Respondent/Complainant

For Petitioner : M/s.Anandan.B,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Cr No.669/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 109, 294(b) and 302 of IPC in Crime No.669 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to dispute regarding sharing of ancestral properties on the date of occurrence i.e., on 14.06.2022, there was a quarrel and on the instigation of A1, the petitioner herein attacked the deceased with crow bar and caused his death. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the deceased is none other than the brother-in-law of the petitioner herein and that her husband died within three years of marriage when A1 was two years old. Thereafter the petitioner had cheated the family members of the petitioner by not giving due share of the ancestral family property due to which there was a quarrel and the



incident had occurred during such time. He would further submit that the allegation against the petitioner is that she had instigated A1 to assault the deceased. He would also submit that A1 has no intention to murder the deceased and it is an unfortunate incident which had happened during the quarrel. Other than the petitioner being present in the scene of occurrence she had not touched the victim. He would also submit that A1 has been arrested and enlarged on bail, hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the sister-in-law of the deceased. The husband of the petitioner died within three years of marriage. The son of the petitioner had assaulted the deceased with crow bar and the petitioner herein had instigated to commit the crime. He would also submit that A1 has been arrested and enlarged on bail. He would also submit that the investigation is almost completed.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and circumstances of the case and also the fact that A1 in this case was arrested and enlarged on bail, 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 on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Pattukottai**, 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday 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]**.

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

sd/-

22/12/2022

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/12/2022

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.22785 of 2022
Date :22/12/2022

SA/MMS/SAR.1/28.12.2022/3P/5C