



Crl.O.P.No.4839of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(2) and 307 of IPC @ 302, 147, 148, 294(b), 307, 323, 324, and 506(2) in Crime No.166 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ramasamy is that he has two sons and one daughter and he was living separately, whereas, his wife, the petitioner herein was living with his elder son for about two years. While so, 18.10.2022, due to the family dispute, on account of the partition of property, there was a quarrel between his daughter-in-law Alamelu and his younger son Venkatesan, during such time, she abused the defacto complainant and the victim in a filthy language and the accused have attacked and threatened the defacto complainant with iron rod and also harassed them with dire consequences, due to which, the defacto complainant sustained injuries. Initially the victim was taken to the hospital and the case



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was registered for the offence under Sections 147, 148, 294(b), 323, 324, 506(2) and 307 of IPC. Later he died during treatment and the case was altered to under Section 302 IPC. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been arrayed as A4. She is none other than the wife of the defacto complainant. He further submit that there was a family dispute, due to which, the defacto complainant Ramasamy was living separately with his younger son and the petitioner was living with her elder son and there was a dispute with regard to partition of the property and on 18.10.2022 there was a quarrel between them, during such time the incident had happened. He would further submit that the main accused was her son and there was no intention or motive on the part of the petitioner's son to commit murder of the deceased and it has happened unfortunately during the quarrel. The fact remains that the defacto complainant and his party are the aggressors, who have assaulted the petitioner's son and the incident had also happened while exercising a right of private defence, the petitioner's elder son has also sustained injuries and based on the complaint given by her elder son (A1) the counter case in Cr.No.167 of



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2022 has been registered against the defacto complainant and the deceased.

Earlier, A1 to A3 were arrested on 20.10.2022 and they have been granted bail by this Hon'ble Court in Crl.OP.Nos.28826 & 28827 of 2022. He would further submit that the petitioner is aged about 60 years and the overt act attributed against her is that she was present at the scene of occurrence and she has assaulted the deceased with hands. He would further submit that the major part of the investigation is over and there may not be requirement of custodial interrogation of the petitioner, and thereby he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is the wife of the defacto complainant and on account of family dispute, with regard to partition of property and the defacto complainant was living with her elder son and the petitioner is living with the younger son and on 18.10.2022, the petitioner along with the elder son, assaulted the defacto complainant and deceased with iron pipe and sickle, due to which, they sustained grievous injuries and later the victim died in the hospital after three days. He would further submit that it is the case and case in counter and



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major part of the investigation is over and the custodial interrogation of the petitioner may not be required. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel on either sides and perused the entire materials available on record.

6.Taking into consideration the facts of the case and also the submissions made by the learned counsel on either side and also the fact that the major part of the investigation is over and the custodial interrogation of the petitioner may not be required. 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 No.II, Kallakurichi, 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



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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 as and when required for interrogation.

[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]**;



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

13.03.2023

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