



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P (MD) No.795 of 2023

WEB COPY

Revathi

...Petitioner/Accused No.2

-vs-

The State represented by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(in Cr.No.411 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.411 of 2022.

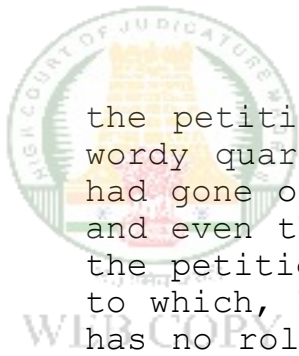
For Petitioner : Mr.M.Karunanithi
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120(b), 114 and 302 IPC in Crime No.411 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the Village Administrative Officer gave a complaint stating that he found a dead-body of one Suresh @ Sekar with injuries. On enquiry, it was found that the deceased person came to the first accused's house and questioned about the illicit relationship between his wife and the first accused. On the next day, the accused persons followed him and attacked him with lethal weapons, for which, he died. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the victim is a close relative of the petitioner. The victim suspected that the petitioner's son, namely, A1, was having an illicit affair with his wife and thereby, he came to the house of the petitioner on 28.07.2022 and abused the petitioner's son and he has also abused



the petitioner in filthy language and thereafter, there had been a wordy quarrel between A1 and the victim and thereafter, the victim had gone out of the house and the petitioner's son had followed him and even then, there had been a wordy quarrel and during such time, the petitioner's son. A1 had assaulted him with the wooden log, due to which, he had died. He would further submit that the petitioner has no role in the offence and she has not walked out of the house and the incident had happened outside the house of the petitioner, whereas, on a false allegation, the petitioner's name has been falsely implicated.

4.He would also submit that this is the second application for anticipatory bail and the earlier anticipatory bail petitions were dismissed by considering the gravity of the offence and that there were specific overt act against the petitioner. He would submit that other than the allegation by the prosecution that the petitioner had instigated the first accused to attack the victim, there is no other allegation, as if the petitioner has assaulted the victim and touched the victim. He would further submit that A1 was released on bail and the major part of the investigation is also over and he seeks for anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor would submit that the petitioner is the mother of A1 and there was a illicit relationship between the wife of the deceased and A1 and enraged by the same, the deceased had trespassed into the house of the accused and had abused the first accused and the petitioner and he had also spoke ill about the character of the petitioner and thereby, there was a quarrel following which, A1, on the instigation of his mother, the petitioner herein, had assaulted the deceased with wooden log due to which, he sustained injury and died on the spot. He would object for grant of anticipatory bail to the petitioner.

6.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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, Pattukottai, Thanjavur, 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



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, every Saturday at 10.30 am 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/-
12/01/2023

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

cmr

To

1.The Judicial Magistrate, Pattukottai, Thanjavur.

2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.KARUNANITHI M ---VS, Advocate (SR-756[I] dated
12/01/2023)

CRL.O.P(MD) No.795 of 2023
12.01.2023

TR/MMS/SAR-III(24.01.2023) 3P 6C

<https://www.mhc.tn.gov.in/judis>