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Crl.O.P.No.31867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31867 of 2024

Chandra

W/o. Ramachandran Thattara street, Erambalayam,
Keelaperumpallam, Tharangambadi Taluk,
Mayiladuthurai.

Petitioner(s)

Vs

The State Rep By

State rep. by its The Inspector of Police, Poombuhar
Police Station, Mayiladuthurai District. (Crime No.
119/2024)

Respondent(s)

For Petitioner(s):

S.P.Harikrishnan

B Harish

A Nileshtam

S Murari

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 118(1) and 296(b) of BNS in Crime No.119 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the petitioner herein is the mother of the defacto complainant and wife of the deceased Ramachandran and on 07.10.2024, the said Ramachandran, who is the father of the defacto complainant, quarreled with the petitioner under the influence of alcohol. Due to which, the petitioner attacked Ramachandran with the pickaxe, thereby, he sustained blood injuries and fainted. Thereafter, he was admitted at TMCH, Thanjavur and he succumbed to death on 14.10.2024. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence as alleged by the defacto complainant and falsely implicated in this case. He would further submit that the petitioner's husband, under the influence of alcohol, picked up a quarrel with the petitioner, thereby, during a scuffle, the incident has happened, and the petitioner has no intention to injure the deceased. But, the defacto complainant, who is not in good terms with the petitioner, lodged a false complaint with ulterior motive and cooked up story. He would further submit that the petitioner herein is aged about 72 years and she is also ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that, on 07.10.2024, the deceased Ramachandran, under the influence of alcohol, picked up a quarrel with her wife, who is the petitioner herein, thereby, the petitioner pushed and hit her husband Ramachandran with pickaxe, thereby, he sustained grievous injuries. He further submitted that, immediately, the deceased was taken to Government Hospital, Mayiladuthurai with the help of the defacto complainant, who is the daughter of the petitioner herein and later to TMCH, Thanjavur, where, he succumbed to death on 14.10.2024.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the age of the petitioner, 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 District Munsif cum Judicial Magistrate, Tharangambadi** on condition that the petitioner shall execute a separate 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, thereafter, every first and third Saturdays 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.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 of B.N.S.

20.12.2024

stn

To

1. The State Rep By
State rep. by its
The Inspector of Police,
Poombuhar Police Station,
Mayiladuthurai District.
(Crime No. 119/2024)

A.D. JAGADISH CHANDIRA, J.

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