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CRL O.P. No.2696 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.2696 of 2025

S. Dhavamani W/o. Saminathan

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District - 605 757.
[Cr. No.608 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / 2nd Accused in Crime No.608 of 2024 on the file of the respondent police.

For Petitioner : Mr. N.U. Pressanna

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused-2, who apprehends arrest in the hands of



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the respondent police for the offence punishable under Sections 296(B), 115(2), 118(1), 131 and 351(3) of B.N.S. in connection with the case in Crime No.608 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the deceased is the brother of the petitioner; that the daughter of the deceased and the petitioner's son got married; that there was a matrimonial dispute between the husband and wife; that on account of same, on 10.11.2024, there was a wordy quarrel and pursuant to the said quarrel, A1 is said to have attacked the deceased with wooden log and the petitioner assaulted her daughter-in-law, who is the daughter of the deceased, with wooden log.

3. Learned counsel for the petitioner would contend that the petitioner is a lady aged 60 years and even according to the prosecution, there is no specific overt act as against the petitioner in so far as the deceased is concerned and the occurrence took place in a sudden quarrel and hence the petitioner cannot be attributed with common intention to cause death to the deceased and in any case, custodial interrogation is not



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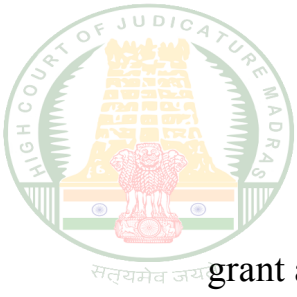
required and hence prayed to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side), per contra, would submit that A1 has been arrested and he is still in custody and A3, who is the son of the petitioner, who was also involved in the offences, was arrested and released on bail.

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

6. Admittedly, the petitioner is the sister of the deceased; that there was a matrimonial disputes between the son of the petitioner and the daughter of the deceased; that the petitioner has not attacked the deceased and the occurrence took place after a sudden fight and wordy quarrel. Therefore, considering the nature of allegations, the fact that the petitioner is a lady and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to



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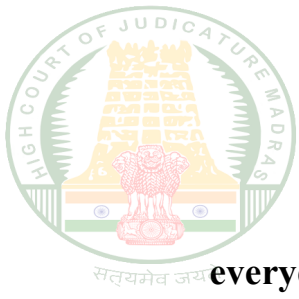
grant anticipatory bail to the petitioner on certain conditions.

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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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Thirukovilur, Kallakurichi District** 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 conditions 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**



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everyday at 10.30 a.m., until further orders.

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[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.

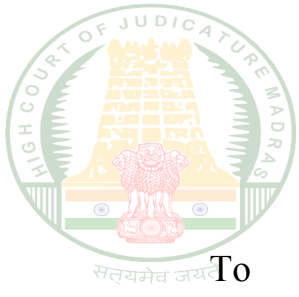
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

10.02.2025

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To

- 1.The Judicial Magistrate, Thirukovilur, Kallakurichi District.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Thirukoilur Police Station, Kallakurichi District - 605 757.

SUNDER MOHAN. J.,

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