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CrI.O.P.No.17623 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17623 of 2025

Makeshwari

... Petitioner/A2

Vs

State represented by
The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
(Crime No.33 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on
anticipatory bail in the event of her arrest in Crime No.33 of 2025 on the file
of the respondent police.

For petitioner : Mr.G.Ilamurugu

For Respondent : Mr.R.Vinothraja

Government Advocate (CrI. Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police, for the offences punishable under Sections 296(b), 115(2), 118(1), 109 & 351(3) of BNS @ 296(b), 115(2), 118(1), 103 351(3) of BNS, 2023 in Crime No.33 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased is the son of A1 born through A1's first wife. The petitioner/A2 is the second wife of A1. There was a property dispute between the deceased and A1. Due to which, the petitioner along with other accused attacked the deceased with iron rod, thereby he sustained injuries and died in the hospital. Hence, the case.

3. The contention of the learned counsel for petitioner is that the petitioner is the second wife to her husband Royappan/A1. There was some property dispute between the Royappan and his first wife. Due to which, the deceased, namely, Muthukumar born to A1 and his first wife was said to have

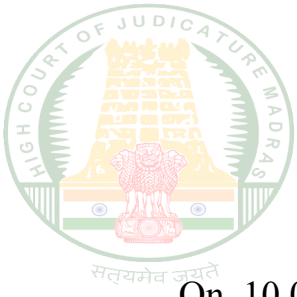


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been attacked by the petitioner and other accused using crowbar, later he died after 3 days of the attack. The only overtact against the petitioner is that she went inside the house and pulled out the deceased and the fatal injury was not caused by the petitioner. It is the family dispute which ensued into an attack for which now the petitioner, a lady is being implicated in this case. Further the complaint has been given by the deceased. In the complaint, he clearly states that the petitioner had only pulled him out of the house and nothing more. Hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate strongly opposed for granting anticipatory bail to the petitioner stating that the deceased is the son of A1 born through his first wife. The deceased and his mother were residing in a property, which has been now settled by A1 in favour of the petitioner/A2. The petitioner is the second wife of A1. Thereafter they have been forcing the deceased and his mother to vacate the property, which was resisted by them.



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On 10.03.2025, A1 and A2/petitioner entered the house of the deceased, pulled him out facilitating A3 to attack the deceased using the crowbar and all the accused had ensured that deceased is done away. This has been witnessed by the mother of the deceased, who immediately rushed to the hospital. Three days after the occurrence, the deceased died and the petitioner had played an active role.

5.Considering the submissions made and on perusal of the material it is seen that the petitioner initially went to the house of the deceased along with A1 and picked up a quarrel. Thereafter, petitioner entered into the house, pulled the deceased out and A3 stabbed the deceased using crowbar and the deceased died 3 days after the occurrence. All the accused were equally liable to the act of each other. In view of the same, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the criminal original petition is dismissed.

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To:

1. The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.

2.The District Munsif cum Judicial Magistrate,
Veppanathattai.

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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