



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Second day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1617 of 2015

ESTHER RANI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO.658/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.SIVABALAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

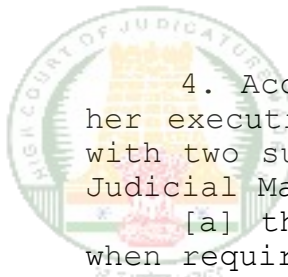
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 09.12.2014 for the offences punishable under Sections 147, 148, 120(b), 302, 506(ii) read with Section 34 IPC in Crime No.658 of 2014 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that this petitioner along with her sons had attacked one Thangapushpam on 09.12.2014 in the evening, while the said Thangapushpam was working in the field, on account of a land dispute that was subsisting between them. The son of Thangapushpam by name Kingston James Kumar lodged a complaint as eye-witness to the incident, based on which, a case in Crime No.658 of 2014 under Sections 147, 148, 120(b), 302, 506(ii) read with Section 34 IPC was registered by the police on 09.12.2014. This petitioner, who is aged about 60 years, was arrested by the police on 20.12.2014. Her son Aravindraaj/A2 was arrested by the police on 10.12.2014 itself. It is seen that this petitioner has also given a complaint against the deceased family, in which, she has stated that she was attacked by them on 09.12.2014 in her residence. On the complaint of this petitioner, a case in Crime No.659 of 2014 for offences under Sections 452, 294(b) and 506(ii) has been registered by the police. This petitioner was admitted in the hospital after the incident on 09.12.2014 and she was arrested by the police on 20.12.2014 and she is in jail since then. It is seen that this petitioner was taking treatment in Tirunelveli Medical College Hospital till 20.12.2014. Therefore, it prima facie appears to be a case and counter.

3. It is represented by the learned Government Advocate (Crl. Side) that A5 and A6 have already been granted bail by the Principal Sessions Court vide order dated 30.12.2014. Under such circumstances, I am inclined to grant bail to this petitioner.



4. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Judicial Magistrate, Tenkasi, and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

sd/-

02/02/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.

2. DO THRO THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI.

3. THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4. THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, TIRUNELVELI DISTRICT.

5. THE SUPERINTENDENT CENTRAL PRISON AT (WOMEN PRISON) TRICHY.

+1. CC to M/S.K.SIVABALAN Advocate SR.No.4461

ORDER

IN

CRL OP(MD) No.1617 of 2015

Date : 02/02/2015

RG.02.02.2015

2P.7C.