



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

Tuesday, the First day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22631 of 2015

1 MOKKARAJ

2 VASIAMMAL

... PETITIONER(S) / ACCUSED 1 & 2

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
TALUK POLICE STATION,
USILAMPATTI TALUK,
MADURAI DISTRICT.
CR.No. 230 of 2015

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S M.SELVENDARAN Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

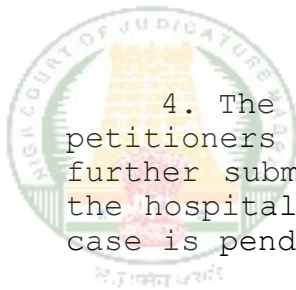
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos. 1 and 2, in Crime No.230 of 2015 on the file of the respondent police, were arrested and remanded to judicial custody on 16.09.2015 for the alleged offences punishable under Section 302 of IPC and hence, seeks bail.

2. The case of the prosecution is that the first petitioner is son and the second petitioner is the wife of the deceased. There was some civil dispute between the petitioners and the deceased with regard to partition of the property. Whiles, on 27.08.2015, the petitioners quarrelled with the deceased for their money dispute. At that time, the petitioners pull down the deceased and kicked him in his abdomen and thereafter, he was admitted in the hospital. Subsequently, on 16.09.2015, he died.

3. The learned counsel for the petitioners submitted that the deceased borrowed money from the money-lender and he did not repay the same. He further submitted that there was no quarrel between the petitioners and the deceased person and the deceased person was 70 years old and suffering from his age-old ailment. Further, the first petitioner's brother admitted the deceased in the hospital on 27.08.2015 and he died on 16.09.2015. At the time of admission, the deceased gave a statement stating that he fell down in his garden. The learned counsel further submitted that the petitioners are innocent and they have not committed any such offence as alleged by the prosecution. Since the petitioners are in judicial custody from 16.09.2015, the learned counsel pray for granting of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) submitted that both the petitioners attacked the deceased person, due to which he died. He further submitted that, the petitioners did not even take the deceased to the hospital and thereafter, he died and further, the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that there is a civil dispute between the parties, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail on their 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 District Munsif cum Judicial Magistrate-I, Usilampatti, Madurai District and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. Since the second petitioner being a lady shall appear before the respondent police as and when required for interrogation.

sd/-
01/12/2015

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.I, USILAMPATTI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE, TALUK POLICE STATION,
USILAMPATTI TALUK, MADURAI DISTRICT.

5 THE SUPERINTENDENT ,CENTRAL PRISON, MAURAI.

6 THE SUPERINTENDENT ,CENTRAL PRISON, TRICHY.

+1. CC to M/S M.SELVENDARAN Advocate SR.No.68710.

TS/02.12.2015/2P-8C/SK-SKN/SAR -II

ORDER
IN
CRL OP(MD) No.22631 of 2015
Date :01/12/2015