



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15339 of 2016

1 REVATHI
2 VALLI

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY
INSPECTOR OF POLICE
THIRUPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT
CR.NO. 194 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.D.JOHNSON Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

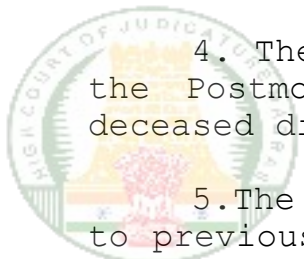
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1 and 2 , who were arrested and remanded to judicial custody on 13.07.2016 for the alleged offences punishable under Sections 323, 506(i) and 302 IPC, in Crime No.194 of 2016, on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that the defacto complainant's family and the petitioner's family are relatives and there is some dispute with regard to using of common motor in the well and on 12.07.2016, the defacto complainant's mother went to switch on the motor for taking water. The petitioner pushed her down and she fell down in the granite stone and she sustained head injury. The second petitioner sat on the deceased and attacked the deceased and her mother and on hearing the noise of the deceased and the defacto complainant, others rushed to the spot and took the deceased to the hospital. On the next day, the deceased died due to the injuries. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution and due to the previous enmity, a false case has been foisted and no such incident took place and the petitioners are in judicial custody from 13.07.2016.



4. The learned counsel for the petitioners produced the copy of the Postmortem Report before this Court and submitted that the deceased died due to Acute Pulmonary Oedema.

5. The learned Government Advocate (Crl. side) submitted that due to previous enmity, the petitioner pushed down the deceased and she fell down on the granite stone and due to injuries, she died and investigation is pending. If the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

6. Considering the nature of allegations and the contention of the learned counsel for the petitioners that in the Postmortem Report it is stated that the deceased died due to Acute Pulmonary Oedema and also considering the fact that the petitioners are in judicial custody from 13.07.2016 and also considering the fact that major part of the investigation is almost over by this time, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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 learned District Munsif-cum-Judicial Magistrate, Thirupathur.
- (ii) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-

29/08/2016

/ TRUE COPY /



CM
TO

1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
THIRUPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION, SIVAGANGAI DISTRICT

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

5 THE SUPERINTENDENT, CENTRAL PRISION FOR WOMEN AT MADURAI.

+1. CC to M/S.C.D.JOHNSON Advocate SR.No.47645

GJM/GSV/PM/SAR-CO-29.8.16-3P-7C

ORDER
IN
CRL OP(MD) No.15339 of 2016
Date :29/08/2016