



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

Monday, the Seventh day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21111 of 2016

WEB COPY

1 KARI

2 MANDIAMMAL

3 DHANALAKSHMI

... PETITIONERS/ACCUSED NO.2 TO 4

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
PARAMAKUDI TALUK,
RAMANATHAPURAM DISTRICT
(CRIME NO.161 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate

For Respondent : M/S.S.PRABHA, Govt.Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

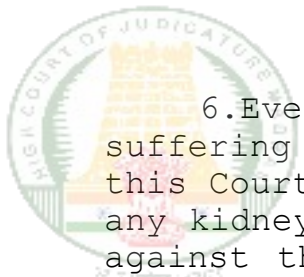
The petitioners / A2 to A4, who were arrested on 29.09.2016 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 302 IPC in Crime No.161 of 2016 on the file of the respondent police, seek bail.

2.The case of the prosecution is that for paying electric bill, there was some dispute arose between the accused persons and the de facto complainant. Hence, on 28.09.2016 at about 8.40 pm. there was some wordy quarrel arose between the accused and the de facto complainant. At that time, A1, A2 and A3 have attacked the deceased with arival and iron rod and thereby caused injuries to the de facto complainant.

3.The learned counsel for the petitioners would submit that A4 is the wife of A1 and A5 and A6 are daughters of A1. He would also submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 29.09.2016 onwards and A4 is suffering from kidney ailment and therefore, he produced medical records to that effect.

4.The learned Government Advocate(Crl. Side) would submit that investigation is pending.

5.Considering the facts and circumstances of the case and taking note of the specific overt act attributed against the petitioners 1 and 2, this petition is dismissed as against the petitioners 1 and 2.



6. Even though it is submitted that the 3rd petitioner / A4 is suffering from kidney ailment, after perusing the medical records, this Court could find that the 3rd petitioner is not suffering from any kidney ailment. However, considering the overt act attributed against the 3rd petitioner / A4, this Court is inclined to grant bail to the 3rd petitioner. Accordingly, **the 3rd petitioner is ordered to be released on bail** subject to the following conditions:

(i) the 3rd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Paramakudi;

(ii) the 3rd petitioner is directed to appear before the respondent police as and when required;

(iii) the 3rd petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the 3rd petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd petitioner released on bail by the Magistrate/Trial Court herself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

07/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.1)

TO

1 THE JUDICIAL MAGISTRATE
PARAMAKUDI.

2 -DO THROUGH-
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
PARAMAKUDI TALUK,
RAMANATHAPURAM DISTRICT
(CRIME NO.161 OF 2016)

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

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.66182

ORDER

IN

CRL OP(MD) No.21111 of 2016

Date :07/11/2016