



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

Wednesday, the Sixth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.5121 of 2016

HAIRUN NISHA

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT,
CR NO. 124/2016.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.M.A JINNAH Advocate

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

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

ORDER : The Court Made the following order :-

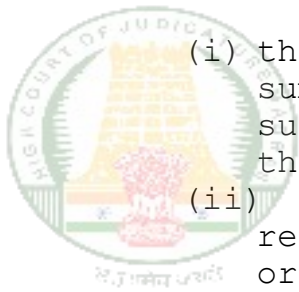
The petitioner, who was arrested and remanded to judicial custody on 24.01.2016, for the offences punishable under Sections 174 Cr.P.C., @ 302 I.P.C., in Crime No.124 of 2016, on the file of the respondent Police, seeks bail.

2. Heard Mr.S.M.A.Jinnah, learned counsel appearing for the petitioner / accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that initially the case, in Crime No.124 of 2016, was registered under Section 174 Cr.P.C., and thereafter it was altered into one Section 302 I.P.C. The deceased is none other than the husband of the petitioner / accused. It is alleged that the petitioner / accused had caused the death of her husband by asphyxiation.

4. The learned counsel for the petitioner / accused submitted that the deceased was in intoxicated stage and a quarrel ensued between the petitioner / accused and the deceased, in which it is alleged that the petitioner / accused had assaulted the deceased.

5. Taking into consideration the nature of allegations made against the petitioner / accused and the period of incarceration, this Court is of the view that this is a fit case to grant bail to the petitioner / accused. Accordingly, she is ordered to be released on bail, subject to the following conditions:



(i) the petitioner / accused 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 Judicial Magistrate No.VI, Madurai.

(ii) the petitioner / accused shall report before the respondent police daily at 10.30 a.m., until further orders.

(iii) the petitioner / accused shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner / accused 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 petitioner / accused in accordance with law as if the conditions have been imposed and the petitioner / accused 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

06/04/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.VI,MADURAI.

2 DO THRO'THE CHIEF JUDICIAL MAGISTRATE,MADURAI.

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

4 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,MADURAI DISTRICT.

5 THE SUPERINTENDENT
SPECIAL CENTRAL PRISON FOR WOMEN, TRICHY.

+1. CC to M/S S.M.A JINNAH Advocate SR.No.19420
RG.JGB-DP/AR-I 06.04.2016 2P/7C

ORDER

IN

CRL OP(MD) No.5121 of 2016

Date :06/04/2016