

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. VAIDYANATHAN

CRIMINAL ORIGINAL PETITION No.7171 of 2017

UMARANI,

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
TIRUPPUR DISTRICT
CR.NO.199 OF 2016.

For Petitioner : MR.A.THYAGARAJAN FOR M/S.T.BALAJI Advocate

For Respondent : MR.P/MUTHUKUMAR, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.04.2016 for the alleged offences punishable under Sections 147, 148, 452, 324, 294(b) and 307 I.P.C., altered to Sections 147, 148, 452, 324, 294(b), 307 and 302 I.P.C. r/w 120-B I.P.C. on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.04.2016 at about 4 a.m., when the de-facto complainant and his father Narayanasamy (aged about 90 years) were in their residence, the petitioner, who is the wife of the de-facto complainant and living separately from her husband, came to the house of the de-facto complainant along with the other accused and demanded execution of two acres of land in her name, and when the de-facto complainant refused to do, A2, at the instigation of the petitioner/A1, attacked her father-in-law on the shoulder with aruval and the other accused attacked him with sticks. When the de-facto complainant intervened, he was attacked with aruval by A2 and the other accused with sticks. The de-facto complainant and his father, having received first-aid in the Government Hospital, Palladam, were admitted in Kovai Medical Centre Limited, Coimbatore for further treatment and however, the de-facto complainant's father died in the hospital on 14.05.2016, after 18 days of medical treatment.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) appearing for the respondent.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and had not committed any offences as alleged by the prosecution.

5. Learned Government Advocate (Crl. side) appearing for the respondent-Police submitted that the petitioner had committed a serious offence of murder and hence, he objected for the release of the petitioner on bail.

6. The earlier bail petitions filed by the petitioner stood dismissed by this Court on 12.07.2016 in Crl.O.P.No.14197 of 2016 and 24.03.2017 in Crl.O.P.No.5641 of 2017.

7. Taking note of the fact that the petitioner is in custody from 28.04.2016, this Court is inclined to grant bail to the petitioner/A1, more particularly, when the case is now pending before the Principal District and Sessions Court, Tirupur in S.C.No.189 of 2016.

8. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) the petitioner 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 Magistratre, Palladam;

(ii) the petitioner is directed to appear before the trial Court on all hearing dates;

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

(iv) the petitioner shall not abscond either during trial;

(v) the petitioner shall not leave Tamil Nadu without the prior permission of the Court below;

(vi) the petitioner shall give full address with contact cell number, before the Court below and the same shall not be changed till the criminal case comes to a logical conclusion;

(vii) the petitioner shall always keep the cell phone in switch-on position;

9. On breach of any of the aforesaid conditions, the 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 Magistrate/Trial Court himself, as laid down by the Supreme Court in the case of P.K.Shaji Vs. State of Kerala (AIR 2005 SCW 5560).

10. As it is represented that the matter is now pending before the Principal District and Sessions Court, Tirupur in S.C.No.189 of 2016, the trial Court is directed to take up the said case and

proceed with the trial on day-to-day basis without adjourning the matter beyond 15 days at any point of time and complete the trial as expeditiously as possible.

-sd/-
18/04/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PALLADAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS COURT, TIRUPUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATE BY
THE INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
TIRUPPUR DISTRICT

6 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
COMBATORE

+1 CC to M/S.T.BALAJI Advocate on payment of necessary charges
SR.NO. 6979

CRL OP.7171/2017

Date :18/04/2017

RD 18/04/2017