



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

Wednesday, the Sixth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11792 of 2017

ELLAMMAL @ DEVI

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MANIKANDAM POLICE STATION,
TIRUCHIRAPALLI, TIRUCHIRAPALLI DISTRICT.
CRIME NO.222 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

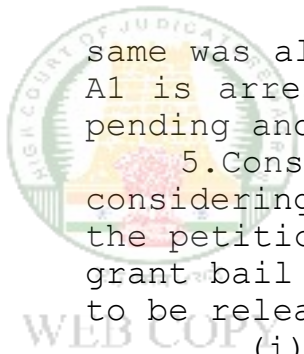
ORDER : The Court Made the following order :-

The petitioner / A2 who was arrested on 29.07.2017 for the offences punishable under Section 174 Cr.P.C. @ 306 of IPC in Crime No.222 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused is the husband and A2 is the mother-in-law of the deceased. The first accused, who is a drunkard, used to abused and beat the deceased and on the date of occurrence, he is said to have attacked the deceased and instigated the deceased to commit suicide and hence, the deceased jumped into the well and thereby committed suicide. As per the statement of the son of the deceased, the petitioner herein has prevented A1 not to save the deceased while she jumped into the well for committing suicide.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that petitioner herein has not instigated the deceased to commit suicide and the petitioner is aged about 65 years old and she is in custody from 29.07.2017. He also submitted that A1 and the deceased are having family dispute and due to that, the deceased said to have committed suicide and there is no specific overt act attributed against the petitioner herein.

4.The learned Additional Public Prosecutor would submit on instructions that totally there are 2 accused and the petitioner herein is arrayed as A2 in this case and initially, the case was registered under Section 174 Cr.P.C and during investigation, the



same was altered into Section 306 of IPC. He further submitted that A1 is arrested and he is now in custody and investigation is still pending and postmortem report is not yet received.

5. Considering the facts and circumstances of the case and considering the fact that the period of incarceration in jail and the petitioner is aged about 65 years old, this Court is inclined to grant bail to the petitioner. 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 Magistrate No.IV, Tiruchirappalli.

(ii) the petitioner is directed to appear before the respondent police weekly once i.e. every Sunday at 10.30 a.m. until further orders;

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

(iv) the 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 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 Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

06/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV, TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHIRAPPALLI.

3 OFFICER IN CHARGE, SPECIAL PRISON FOR WOMEN, TIRUCHIRAPPALLI.

4 THE INSPECTOR OF POLICE
MANIKANDAM POLICE STATION,
TIRUCHIRAPALLI, TIRUCHIRAPALLI DISTRICT.

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

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.30180

ORDER IN
CRL OP(MD) No.11792 of 2017
Date :06/09/2017