



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

Tuesday, the Thirty First day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14635 of 2017

THANGASELVI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVLEI DISTRICT.
CR NO. 293/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

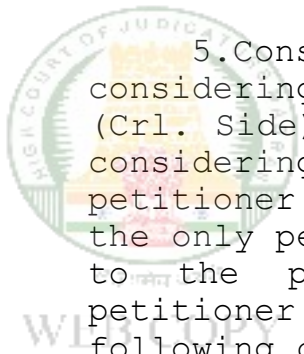
ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 21.09.2017 for the alleged offences punishable under Sections 294(b), 323 and 302 of IPC., in Crime No.293 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 20.09.2017, while the petitioner put fire on the waste materials in front of the house of the deceased lady, who was 75 years old, the same was questioned by her, at that time, there was a wordy quarrel arose between the petitioner and the deceased lady and immediately, the petitioner attacked the deceased lady with wooden plate and the deceased lady sustained injuries and taken to hospital and in the hospital she was declared dead. On complaint, case has been registered for the above said offences against the petitioner.

3. The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Moreover, there is no previous enmity between the petitioner and the deceased lady and the petitioner has no intention to kill the deceased. He further submitted that the petitioner is having five children and she is the only person to take care of them and she is ready to abide any condition to be imposed by this Court and prays for bail. This is the second bail application and the first bail application was dismissed by this Court.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that there is no previous case against the petitioner and due to sudden provocation, the petitioner attacked the deceased and the deceased sustained fatal injuries and died. He further submitted that investigation is still pending.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that there is no intention to kill the deceased and also considering the submission made by the learned counsel for the petitioner that the petitioner is having five children and she is the only person to take care of them, I am inclined to grant bail to the petitioner with certain conditions. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri;
- (ii) the petitioner shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of three weeks;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make herself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-

31/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 OFFICER IN CHARGE, SUB JAIL, KOKKIRAKULAM, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.33508

ORDER IN

CRL OP(MD) No.14635 of 2017

Date :31/10/2017