



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

Thursday, the Twenty Third day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16066 of 2017

MALARVIZHI

... PETITIONER / ACCUSED NO.5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.233 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.5, who was arrested and remanded to judicial custody on 28.10.2017 by the respondent police for the offences punishable under Sections 294(b), 352, 307 @ 294(b), 352 and 302 of I.P.C., in Crime No.233 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant purchased the property from the petitioner. After the purchase of the property, the petitioner demanded a portion of the property from the defacto complainant. But, the defacto complainant refused to give the same. Thereby, on 23.10.2017, the petitioner went to the disputed farm house and attacked the defacto complainant and his family members with aruval, due to which, the defacto complainant, his father and his wife were sustained grievous injuries. Thereafter, they were admitted in the Pudukottai Government Hospital. Further the defacto complainant and his family members were transferred to Thanjavur General Hospital for better treatment. Initially, the case was registered for the offences under Sections 294(b), 352 and 307 Cr.P.C. and after the death of the defacto complainant's father on 27.10.2017, the case was altered into Sections 294(b), 352 and 302 of I.P.C., and the petitioner was arrested on 24.10.2017.



3.The learned counsel for the petitioner submitted that the petitioner attacked only the defacto complainant's wife and she has not attacked the deceased or defacto complainant and there is no specific overt-act attributed against the petitioner even as per the complaint. In the absence of any specific overt-act against the petitioner, Accordingly, he prays for bail.

4.The learned Government Advocate (Criminal side) appearing for the State fairly conceded that there is no specific overt-act against the petitioner. He further submitted that the petitioner has attacked only the defacto complainant's wife, however, she was present at the time of occurrence.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side), I am 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai;
- (ii) the petitioner shall report before the respondent police, once in a week i.e., on every Monday at 10.30 a.m., until further orders;
- (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/-
23/11/2017

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



TO

1. THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBANKONAM.
3. THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TIRUCHIRAPPALLI.
4. THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.34926

ORDER

IN

CRL OP(MD) No.16066 of 2017

Date :23/11/2017

MS/PM-PN/SAR.3/23.11.2017/3P.7C