



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1007 of 2018

JESINTHA MARY

... PETITIONER/ 2nd ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
IN CRIME NO. 610 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SELVARAJ, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 15.11.2017 for the alleged offences punishable under Sections 323 and 302 of IPC, in Crime No.610 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to family dispute, on 11.11.2017, the petitioner along with her husband assaulted her father-in-law using bampoo sticks and he succumbed to injuries. Hence, the wife of the defacto complainant lodged a complaint before the respondent police. Therefore, the case has been registered for the above said offences against the petitioner and her husband.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and prays for bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that due to the family dispute the petitioner along with her husband committed the offence. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. The petitioner is in judicial custody from 15.11.2017. Admittedly, the deceased is the father-in-law of the petitioner. According to the prosecution, the alleged occurrence was happened due to the family dispute between the deceased and the



petitioner. The petitioner is the first offender. Considering the above said aspects, this Court came to the conclusion that further custodial interrogation is not necessary for completing the investigation in this case. Accordingly, 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.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dindigul;

(ii) the petitioner shall report before the respondent police, daily at 10.00 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 not commit any offence while on bail;

(v) the petitioner shall not abscond either during investigation or trial;

(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 as if the conditions have been imposed and the petitioners 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].

sd/-
23/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SELVARAJ Advocate SR.No.43889

ORDER IN
CRL OP(MD) No.1007 of 2018
Date :23/01/2018