



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

Friday, the Fourteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) No.22141 of 2018

CHITRA

... PETITIONER/ ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VALANADU POLICE STATION,
TRICHY DISTRICT.
Crime No. 89 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.PITCHAI MUTHU Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

This petition has been filed seeking bail in Crime No.89 of 2018 registered by the respondent police originally for the offences punishable under Sections 294(b), 323, 324, 506 (i) IPC @ 302 I.P.C. and thereafter altered into Section 302 I.P.C.. The petitioner/A3 was arrested on 11.11.2018 and remanded to judicial custody on the same day.

2.The case of the prosecution is that on 20.09.2018, the petitioner and other accused went to the defacto complainant's house and they had a quarrel with the defacto complainant and the deceased. The first accused assaulted the deceased with wooden log and the deceased died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the occurrence took place on 20.09.2018 and that the petitioner is arrayed as A3. He would further submit that the deceased is none other than the mother-in-law of the petitioner and regarding partition of family property, there was a quarrel on 20.09.2018 and the allegation against the petitioner is that during the quarrel, she pushed the deceased/Alagammal, due to which, Alagammal sustained injury and she was taken to the Government Hospital Trichy for treatment and after six days on 25.09.2018 she died. He would also



submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner further submitted that the petitioner has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would vehemently oppose grant of bail to the petitioner. He would submit that due to property dispute, the petitioner along with the other accused assaulted the deceased/Alagammal, who is mother in law and that there is specific overact against the petitioner that the petitioner assaulted the deceased on the head resulting in her sustaining haemorrhage and the deceased succumbed to the injury after six days.

5. Taking into consideration the facts of the case and the submission made on either side, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Manaparai, Trichy, and on further condition that:

[a] the petitioner shall Stay at Madurai and report before the Thallakulam Police Station, Madurai daily at 10.30 a.m., until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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 petitioner 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
MANAPARAI, TRICHY

2. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT

3. THE INSPECTOR OF POLICE,
VALANADU POLICE STATION, TRICHY DISTRICT.

4. THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI

5. THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.

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

+1. CC to Mr. M. PITCHAIMUTHU Advocate SR.No.23340

ORDER

IN

CRL OP (MD) No.22141 of 2018

Date : 14/12/2018

TK/PN/SAR-3/14.12.2018/3P/8C