



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21000 of 2018

1 PAPPA

2 GANGA DEVI

... PETITIONERS / ACCUSED NO.6 & 8

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

CRIME NO.274 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.VELMURUGAN 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 :-

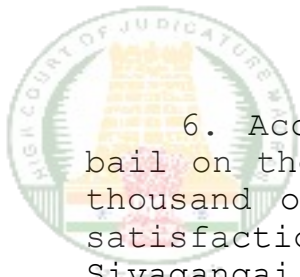
The petitioners were arrested and remanded to judicial custody since 07.11.2018 for offences punishable under Sections 147, 148, 294(b), 323, 324 and 302 IPC, in Crime No.274 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners arrayed as an accused Nos.6 and 8 in this case. They are relatives of the A1 and A2, who are in laws of the deceased. The defacto complainant's father is a retired police man. After the retirement of the defacto complainant's father, A1 and A6 demanded more dowry from him, due to which, there was a quarrel arose between them. The deceased is said to have attacked with hands by them.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. Heard the learned Additional Public Prosecutor.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.



6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Elayankudi, Sivagangai District and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30.am., until further orders.

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

[c] the petitioners 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/-
30/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ELAYANKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN CELL), MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.VELMURUGAN Advocate SR.No.22598

ORDER
IN
CRL OP(MD) No.21000 of 2018
Date :30/11/2018