



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1278 of 2019

1 AMARAVATHI

2 VIJAYAN @ VIJAYAKUMAR

... PETITIONERS / ACCUSED NO.1 AND 2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
SHOLAVANDHAN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.394/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.J.CHAKKARAVARTHY, 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 are in judicial custody since 13.12.2018 for the offences punishable under Sections 294(b), 324, 307 of IPC @ 302 of IPC in Crime No. 394 of 2018 on the file of the respondent police and seeks bail.

2. The case of the prosecution is that on 13.12.2018 at about 09.00 hrs when the deceased was taking water in the panchayat pipe, one Thandulingam, who is the son of Rajammal consuming alcohol quarrelled with her mother. The second petitioner who is the relative of the petitioners herein intervened and questioned the same, at that time the first petitioner herein who is fetching water in the pipe attacked the deceased with the silver pot in her head. The deceased fell down unconscious and thereafter she was taken to hospital and later she succumbed injuries on 19.12.2018

3. The learned counsel for the petitioner would submit that the petitioners and the defacto complainant are relatives residing in the same village. The deceased and her son used to quarrel frequently. On 13.12.2018 the deceased Thandulingam picked up quarrel with his mother which causes ruckus in that area, in which there was free flow of exchange of blows between them and due to suffocation the deceased had fell down and had sustained injuries for which a false case has been foisted against the petitioners.



4. The learned Government Advocate(Crl.Side) would submit that investigation is not yet completed.

5.Considering the above facts and circumstances and also the period of incarceration, 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) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti and on further condition that:

[a] the petitioners shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during trial.

[c] the petitioners shall not abscond 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 petitioners 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]**.

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

sd/-

29/01/2019

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

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
SHOLAVANDHAN POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.J.CHAKKARAVARTHY, Advocate SR.No.1588

ORDER IN

CRL OP(MD) No.1278 of 2019

Date :29/01/2019