

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7409 of 2019

PALANIAMMAL

... PETITIONER / ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
REDDIARCHATRAM POLICE STATION,
DINDIGUL DISTRICT.
Crime No.48 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.PR BOOMEE RAJAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the sole accused, was arrested and remanded to judicial custody on 06.04.2019 for the offences punishable under Sections 109 and 302 of IPC in Crime No.48 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the sister of the first accused. Due to some family dispute on 06.04.2019, at about 05.30 a.m., the first accused has attacked the deceased Karuppayee with Aruval. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

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 and her name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 06.04.2019. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that a substantial portion of the investigation is completed.

5.The submissions made by the learned counsel appearing on either side are considered.

6.The petitioner is a first offender, he is in judicial custody from 06.04.2019. The averments made in the FIR discloses that the petitioner directly not involved in the alleged occurrence. As of now, as per the arguments advanced by the learned Government Advocate (Criminal Side), substantial portion of the investigation has been completed. Hence, further custody of the petitioner is not necessary for the prosecution to complete the investigation. Hence, considering the above facts and circumstances of the case, particularly on considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. 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, Ottanchatram, Dindigul District.

[ii] the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioner shall stay at Pollachi and report before the Inspector of Police, Town Police Station, Pollachi daily at 10.00 a.m. until further orders.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) on breach of any of the aforesaid conditions, the 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 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/-
29/05/2019

/ TRUE COPY /

TO

1.THE JUDICIAL MAGISTRATE,
OTTANCHATRAM, DINDIGUL DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.THE INSPECTOR OF POLICE
REDDIARCHATRAM POLICE STATION,
DINDIGUL DISTRICT.

4.THE INSEPCTOR OF POLICE
TOWN POLICE STATION, POLLACHI.

5.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.PR BOOMEERAJAN Advocate SR.No.8797

ORDER
IN
CRL OP(MD) No.7409 of 2019
Date :29/05/2019

TK/MMS/SAR-4/30.05.2019/3P/8C

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