



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

Date : 05/07/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9572 of 2019

Rajeshwari

... Petitioner/Accused -2

Vs

State Rep.by
The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.
(Crime No.70 of 2019

... Respondent/Complainant

S.Velusamy

... Petitioner / Intervener

For Petitioner : M/s.K.Kumaravel, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

For Intervener : Mr.B.Karunanithi, Advocate

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

PRAYER :-

For Bail in Crime No.70 / 2019 on the file of the Respondent police.

ORDER : The Court Made the following order :-

1.This petition has been filed by the Accused-2, seeking bail for the alleged offences punishable under Section 174 Cr.P.C, altered into 306 I.P.C in Cr.No.70 of 2019 on the file of the respondent Police.

2.The learned counsel for the petitioner has submitted that the petitioner has not committed any offence and she has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 28.05.2019 onwards. Therefore, he prayed to grant bail to the petitioner.

3.The learned Additional Public Prosecutor has submitted that the first accused, who is the husband of the victim was already arrested and still, he is in custody. The petitioner herein is the mother of the first accused. However, he fairly conceded that the



petitioner has no previous case. As investigation is pending, he strongly opposed this petition.

4. Taking into consideration of the fact that the main allegations are against A-1 only, the petitioner is the mother of the A-1 and also the fact that originally, the case was registered under Section 174 Cr.P.C and subsequently, it was altered into 306 I.P.C and no previous case is pending against this petitioner and also the fact that the petitioner is in judicial custody from 28.05.2019, this Court is inclined to grant bail to the petitioner, by imposing conditions:-. Accordingly,

[a] the petitioner is ordered to be released on bail on his 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, Ramanathapuram.

[b] the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of one month and thereafter, as and when required for the interrogation.

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

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

[e] 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].

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

sd/-

05/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DIST.
3. THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
4. THE INSPECTOR OF POLICE,
RAMESWARAM TOWN POLICE STATION, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.KUMARAVEL Advocate SR.No.11175

ORDER IN

CRL OP(MD) No.9572 of 2019

Date : 05/07/2019