



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

Date : 05/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10996 of 2019

Saritha

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Vilampatti Police Station,
Dindigul District.
Crime No.29/2019

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,
Advocate.

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

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

PRAYER :-

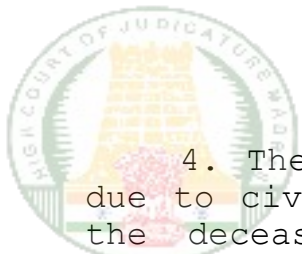
For bail in Cr.No.29/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.2, seeking bail for the alleged offence under Sections 294(b), 323, 341 and 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner has submitted that due to civil dispute, a false case has been foisted against the petitioner and her husband (A1). He further submitted that even as per FIR, it was only A1 has pushed the deceased and sat on his chest and gave blows with hands. The only allegation against the petitioner is that she was also present at the time of occurrence and instigated her husband to kill the deceased. He further submitted that A1 was arrested and subsequently released on bail and the petitioner was arrested on 13.06.2019 and from that day onwards she is in custody and therefore, he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor has submitted that due to civil dispute, the petitioner and her husband have attacked the deceased with hands and caused death to him. He further submitted that investigation is not yet completed and therefore, he opposed this petition. However he fairly conceded that A1 was already arrested and subsequently, released on bail.

5. In the FIR, it is stated that A1 has pushed down the deceased and sat on his chest and attacked him with his hands and the petitioner herein has instigated the A1 to kill the deceased. Further, it is stated that when the mother-in-law of the defacto complainant raised voice, the petitioner herein pushed her also. Except the aforesaid allegation no other allegation has been made against the petitioner.

6. Taking into consideration the aforesaid facts and also the fact that A1 was arrested and subsequently released on bail, this Court is inclined to grant bail to the petitioner by imposing conditions:

[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, Nilakkottai, Dindigul District.

[b] the petitioner shall report before the Respondent Police, daily at 10.30.AM 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/-

05/08/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
NILAKKOTTAI, DINDIGUL DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

4. THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, MADURAI.

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

+1. CC to Mr.M.PITCHAI MUTHU Advocate SR.No.12887

ORDER

IN

CRL OP (MD) No.10996 of 2019

Date : 05/08/2019

das

TK/VR/SAR.4/05.08.2019/3P/7C