



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.11478 of 2019

1.Mari Kumar,

2.Guru Lakshmi

... Petitioners/Accused No.1 & 2

Vs

The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District,
Cr No.370 of 2019.

... Respondent/Complainant

For Petitioners : M/s. M. Jothi Basu,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For bail in Crime No. 370 of 2019 on the file of the
respondent police

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate (Crl.side)appearing for the respondent.

2.The petitioners have been shown as A1 and A2 in Crime No.370
of 2019 registered on the file of the respondent for the offences
under Sections 449, 294(b), 323, 506(i) and 302 IPC. They are in
custody since 02.07.2019. The petitioners had gone to the house of
the deceased and picked up quarrel with her and pushed her down, as
a result of which, the deceased died. Investigation is almost over
and the chemical report alone is awaited. The petitioners and the
deceased are neighbors.



3. Since the investigation is over and the occurrence had taken place more on the spur of the moment, I am of the view that the petitioners can be granted bail. They are accordingly granted bail subject to the following conditions:

(i) the petitioners shall execute 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, Rajapalayam.

(ii) the petitioners shall appear before the respondent police as and when required for interrogation; However, the petitioners shall stay at Madurai and not enter Rajapalayam for a period of 45 days.

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

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

[v] 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].

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

4. The petitioner's counsel gives an undertaking that they will not apply for relaxation or modification of the condition.

5. This Criminal Original Petition is allowed on these terms.

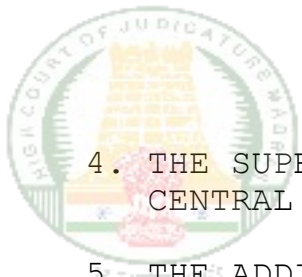
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04/09/2019

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

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT,



4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

6. THE OFFICER INCHARGE,
CENTRAL PRISON FOR WOMEN,
MADURAI.

+1CC TO MR.G.M.LAW OFFICE, Advocate Sr. No. 14665

ORDER
IN
CRL OP(MD) No.11478 of 2019

TR/PN/SAR-III (04.09.2019) 3P 8C