

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11834 of 2020

1.Priya
2.Indra

... Petitioners

Vs.

State rep by
Inspector Of Police
Muthupettai Police Station
Tiruvarur District
(Crime No.1949 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1949 of 2020 pending on the file of the respondent.

For Petitioners: Mr.T.Muruganantham

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.07.2020 for the offences punishable under Section 294 (b), 324, 342, and 302 IPC, in Crime No.1949 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant one Shanmugham is that his son Ravichandran married the 1st petitioner before 10 years and it was a love marriage. He was living along with his wife and mother in law. The deceased is a drunkard and was in the habit of creating problem with his wife. On 04.07.2020 the son of the defacto complainant created problem with his wife, during which, his wife and mother in law assaulted him with wooden log, resulting in him sustaining injuries and succumbing to death.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that as per the F.I.R. the deceased is an alcoholic he used to create problem and that only on suspicion the complaint has been given. The defacto complainant is not an eye witness to the occurrence. The complaint was lodged based on the information given by a person named Kala, who is the neighbor. He would further submit that the petitioners are in

4. The learned Government Advocate (Crl. Side) would submit that the petitioners are respectively wife and mother in law of the deceased Ravichandran. On 04.07.2020, the deceased Ravichandran who is an alcoholic had quarrelled with his wife and mother in law, due to which, they assaulted him with wooden logs resulting in him sustaining injuries and succumbing to death.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Thiruthuraipoondi, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

05/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL FOR WOMEN, TIRUVARUR

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.11834/2020

Date :05/08/2020

RVR 11/09/2020

सत्यमेव जयते

WEB COPY