

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.18792 of 2020

1. Seami
2. Chinnakali

... Petitioners

Vs.

State Represented by
The Sub Inspector of Police,
Chengam Police Station,
Tiruvannamalai District.
(Crime No.3364 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioners on bail pending investigation in Crime No.3364 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Paneer selvam

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

ORDER

This case has been heard through video conference

The petitioners who were arrested and remanded to judicial custody on 12.11.2020 for the offence punishable under Section 306 of IPC, in Crime No. 3364 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased one Murugammal is the wife of Defacto complainant viz, Krishnan. The said Krishnan and the first petitioner's husband are brothers and the second petitioner is the daughter of the first petitioner. On 07.11.2020 at about 12.30 p.m., the deceased and her daughter were grazing cattle in the field of the petitioner and hence the petitioner had abused the deceased as well as her daughter and unable to bear the abusing words, immediately, the deceased and her daughter consumed poison. Thereafter, they were admitted in the Government Hospital, Chengam and from there, they were referred to Government Hospital, Tiruvannamalai. The deceased passed away on 12.11.2020 and her daughter was discharged on 11.11.2020. On 12.11.2020, the complaint came to be lodged and immediately the petitioners were arrested. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that there was a property dispute between the first petitioner and the defacto complainant and that is the reason for the deceased and her daughter taking cerberamanghas seeds and the petitioners are not the reason. He would further submit that the said occurrence took place on 07.11.2020 and the complaint came to be registered only after five days. The petitioners were available in the village and the petitioners have been falsely implicated in this case. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant is the brother of the first petitioner's husband. The deceased and her daughter were grazing the cattle in the petitioner's field and the petitioners had abused and threatened them not to graze the cattle in their field. Further allegation is that unable to bear the same, the deceased and her daughter immediately consumed cerberamanghas seeds. Initially, the victim and the deceased were immediately admitted in the Government Hospital, Chengam and thereafter, they were referred to Government Hospital, Tiruvannamalai. He would further submit that the defacto complainant is an illiterate agriculturalist and his immediate attention was to save his wife and his daughter and hence, he lodged a complaint after five days and the Inspector of Police belatedly taken the complaint for which the defacto complainant cannot be faulted. He would further submit that the petitioners were very recently arrested in this case. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that there was a property dispute between the petitioners and the defacto complainant and the petitioners from 07.11.2020 till their arrest, were very much available in the village, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners are ordered to be released on bail and they shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties before learned Judicial Magistrate, Chengam, Tiruvannamalai.

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

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

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

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

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

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

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

-sd/-

01/12/2020

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,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1CC to M/S S.PANNEER SELVAM Advocate on payment of
necessary charges SR NO.7846

CRL OP.18792/2020

Date :01/12/2020