



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2020

PRESENT

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

CRL OP(MD) . No.3188 of 2020

Meena,

... Petitioner/Accused

Vs

State through
The Sub Inspector of Police,
Oomachikulam Police Station,
Madurai District.
(Crime No.47 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Jerin Mathew for
M/s K.Balamurugan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

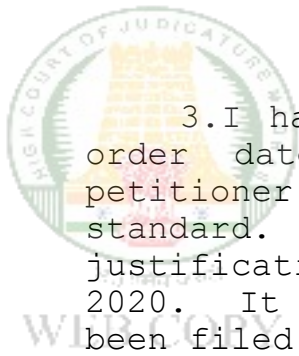
PRAYER :-

For Bail in Crime No.47 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner Meena W/o Rajkumar is in custody since 17.02.2020. She came to be arrested in Crime NO.47 of 2020 registered on the file of the Inspector of Police, Omachikulam Police Station for the offences under Sections 147, 148, 452, 294 (b), 323 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.



3.I had granted interim relief for her husband Rajkumar, vide order dated 19.02.2020 in Crl.O.P.(MD)No.3028 of 2020. The petitioner has a school going daughter Mirthula. She is in 4th standard. I proposed to make detailed observations regarding justification for arrest and other aspects in Crl.O.P.(MD)No.3028 of 2020. It was mentioned to me yesterday that the bail petition has been filed for Meena before the jurisdictional Magistrate.

4.By an order dated 20.02.2020, I had withdrawn the bail petition from the file of the Judicial Magistrate, Additional Mahila Court, Madurai.

5.I am satisfied that the continued incarceration of the petitioner is absolutely unwarranted. Therefore, I grant bail to the petitioner Meena. The petitioner shall be released on her own bond. In this case, certain highly disturbing facts have come to my notice. The petitioner also has to take care of one special child by name Jeyaprakash. The petitioner is now said to be confined in Central Prison, Madurai. The Superintendent of Central Prison, Madurai, is directed to release the petitioner forthwith on production of certified copy of this order.

6.The learned Government Advocate (Crl.side) as well as the respondent Police are directed to intimate the Superintendent of Central Prison, Madurai about the passing of this direction. The petitioner can comply with the other formalities on 24.02.2020.

7.Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) to the satisfaction of the learned Judicial Magistrate Additional Mahila Court, Madurai.

(ii) 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].

sd/-
20/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, MADURAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
OOMACHIKULAM POLICE STATION,
MADURAI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to MR.M.JERIN MATHEW, Advocate in SR.No.3582

ORDER

IN

CRL OP(MD) No.3188 of 2020

Date :20/02/2020

rmi

AE/JC/SAR-III (20.02.2020) 3P 7C