



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7178 of 2020

Rugmani

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam, Thanjavur District.
Crime No.702 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Thiruvadi Kumar, Advocate

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No. 702 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3 herein was arrested and remanded to judicial custody on 20.05.2020 for the alleged offences under Sections 147,148,294(b),324 and 302 of IPC.

2. The case of the prosecution is that previously there was a quarrel between A1, one Abinash, Ajay and Muthuraja while they were playing carrom board, in which A1 assaulted Ajay and inturn Abinash assaulted A1. Thereafter on 19.05.2020 at about 7.30 p.m., while the defacto complainant and others were sitting in front of the house of his uncle the petitioner herein scolded the defacto complainant. At that time A1 and A2 came out with aruval and attacked the defacto complainant and deceased in the thigh and A3 attacked the defacto complainant with iron rod and subsequently caused death of the deceased. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the mother of A1 and there is no specific overt act



attributed against her. He would also submit that while the petitioners and the deceased were standing in front of the house of the petitioner herein she only abused them, except this no other allegation has been levelled against her.

4. The learned Additional Public Prosecutor would submit that the petitioner herein is the mother of A1 and she only instigated other accused persons to attack the deceased and the injured persons.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner herein is the mother of A1, who scolded the deceased and the others and no other overt act attributed to her and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/07/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,CENTRAL PRISON FOR WOMEN,
MADURAI.
4. THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7178 of 2020
Date :13/07/2020

MS/JC/SAR-2/14.07.2020/3P.6C