



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.7303 of 2020

Yonia Kanimozhi

... Petitioner/Accused No.5

Vs

State Rep.by
The Sub Inspector of Police,
Vaiyampatti Police Station,
Trichirappalli District.

... Respondent/Complainant

For Petitioner : M/s.H.Shahul Hameed,
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.692 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 26.05.2020 for the alleged offences under Sections 148,294(b),324,302 of IPC.

2. The case of the prosecution is that there is a dispute between the deceased family and the petitioner family in respect of using a Natham Purambokku land. Earlier the deceased party has given complaint against the petitioner's family . Thereafter on the date of occurrence the A2 in this case said to have attacked the deceased with aruval and also kicked the deceased in his private part. Thereafter The petitioner herein who is the daughter of A1 along with his mother /A4 caught hold of the defacto complainant and A1 and A2 attacked him on his private part and caused injuries. Thereafter the son of the defacto complainant was taken to hospital and on the way to hospital he died.



3. The learned counsel for the petitioner would submit that the petitioner herein is lady who is daughter of A1 and she has nothing to do with the alleged occurrence and she has been falsely implicated in the above said crime. Even as per the First Information Report, she has caught hold of the injured/defacto complainant and there is no specific overt act attributed against her. He would also submit that the petitioner is having twin babies of six months old and there is no body to take care of infants. Hence she may be granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused persons caught hold of the defacto complainant and A1 and A2 attacked the deceased and caused death.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that only A1 and A2 attacked the deceased on his private part and this petitioner there is no specific allegation against the petitioner that she attacked the deceased and also taking into fact that the petitioner is having twin babies of six months old and there is no body to take care of infants, , 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, Manapparai, Trichy District

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 as and when required for interrogation.

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

/ TRUE COPY /

WEB COPY

/ /2020
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 concerned.

TO

1. THE JUDICIAL MAGISTRATE, MANAPPARAI,
TRICHY DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE OFFICER INCHARGE,
TRICHY WOMEN'S PRISON, TRICHY.
4. THE SUB INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION, TRICHIRAPPALLI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7303 of 2020
Date :13/07/2020

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