



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/07/2020

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PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.7744 of 2020

Rejinamary ... Petitioner/Accused No.3

Vs

State Rep.by  
The Sub-Inspector of Police,  
Vaiyampatti Police Station,  
Trichirappalli District. ... Respondent/Complainant

For Petitioner : M/s.Shahul Hameed, Advocate.  
For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

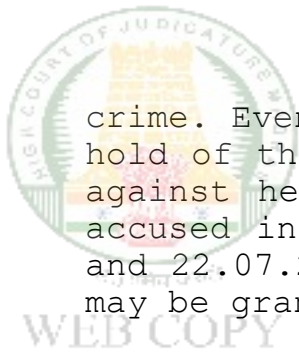
For Bail in Cr.No. 692 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3 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.

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. Earlier the deceased party has given complaint against the petitioner's family. Thereafter on the date of occurrence the A1 in this case said to have attacked the defacto complainant with aruval and A2 kicked the deceased in his private part. So far as this petitioner is concerned she caught hold of the deceased and A1 and A2 attacked him on his private part and caused his death. Thereafter the deceased 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 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 only caught hold of the deceased and there is no specific overt act attributed against her. He would also submit that A5 and A4 similarly placed accused in this case were granted bail by this Court on 13.07.2020 and 22.07.2020 in CrI.O.P(MD Nos. 7303 and 7536 of 2020. Hence she may be granted bail.

4. The learned Government Advocate(CrI.Side) would submit that the petitioner herein along with other accused persons caught hold of the deceased and A1 and A2 attacked the deceased and caused death. He would also submit that A5 and A4 in this case were granted bail by this Court on 13.07.2020 and 22.07.2020 in CrI.O.P (MD Nos. 7303 and 7536 of 2020

5. The only allegation against the petitioner is that she had caught hold the deceased while A1 and A2 attacked him, except this no other specific allegation has been attributed against her. A5 and A4 with the similar overt act in this case were granted bail by this Court on 13.07.2020 and 22.07.2020 in CrI.O.P(MD Nos. 7303 and 7536 of 2020. Investigation in this case is almost completed and the petitioner is in jail for nearly two months.

6. Taking note of the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 *Shriji 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/-  
27/07/2020

/ 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.7744 of 2020  
Date :27/07/2020

MS/PN/SAR-2/27.07.2020/3P.6C