



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8433 of 2020

B.Lakshmi

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
Manachanallur Police Station,
Trichy District,
(Crime No. 1108/2020).

... Respondent/Complainant

For Petitioner : M/s D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

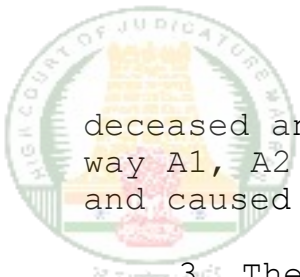
PRAYER :-

For Bail in crime No. 1108/2020 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 15.07.2020 for the alleged offences under Sections 109,147,148,307 and 302 of IPC.

2. The case of the prosecution is that there was a previous enmity between the petitioner family and the deceased family. Earlier in the year 2019 the defacto complainant family murdered the brother-in-law of the petitioner herein. Due to which there was a previous enmity between the parties and the deceased family moved to another place. On the date of occurrence the deceased family came into their house and remove the household articles. At that time there was a wordy quarrel between the parties and the petitioner here is said to have participated in the quarrel. Thereafter the



deceased and his family took the household articles and left. On the way A1, A2 and A4 attacked the deceased with aruval indiscriminately and caused his death. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a lady and she is the mother of A1 and A2. Even as per the First Information Report there is no specific overt act attributed against her and the main allegations is against A1, A2 and A4 and she is no way connected with the said offence. He would also submit that the petitioner is in jail for more than 30 days, hence she may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that it is a retaliation murder. At the instigation of the petitioner herein only A1, A2 and A4 had attacked the deceased and caused his death.

5. From the materials available on record it is seen that the petitioner is the mother of A1 and A2 and no specific overt act has been attributed against her except the fact that she present in the earlier wordy quarrel. Main allegations are against A1, A2 and A4 only. Investigation is almost completed. The petitioner is in jail for more than 30 days.

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 No.III, Trichy

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.R. Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

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sd/-
14/08/2020

/ TRUE 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 No.III, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN,
TRICHY.

ORDER
IN
CRL OP(MD) No.8433 of 2020
Date :14/08/2020

AAV

TE/AKM/SAR-II : 17/08/2020 : 3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>