



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8699 of 2020

Saroja

... Petitioner/Accused

Vs

State by
The Inspector of Police,
Pattukkottai Taluk Police Station,
Cr.No.1204 of 2020.

... Respondent/Complainant

For Petitioner : M/s.J.Saravana Kumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

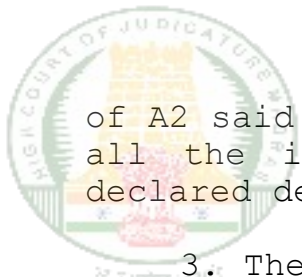
PRAYER :-

For Bail in Crime No.1204 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 28.06.2020 for the alleged offences under Sections 294 (b), 324, 307, 326, 302 of IPC and Section 4 of TNPHW Act.

2. There are totally four accused in this case and the petitioner herein is arrayed as A3. The case of the prosecution is that there was a quarrel between a deceased's brother and A1 in a cricket match, due to the same A1 said to have attacked the brother of the deceased. On the next day when the deceased and the defacto complainant and other injured witnesses went to the house of A1 and questioned them, there was a wordy quarrel between them, in which A1 attacked the deceased with spade, A2 attacked the injured with aruval and so far as this petitioner is concerned, she being wife



of A2 said to have attacked another injured with a spade. Thereafter all the injured were taken to hospital where the deceased was declared dead. Hence the complaint.

3. The learned counsel for the petitioner would submit that the occurrence said to have taken place in a wordy quarrel between the parties and main the allegations are against A1 and A2 and this petitioner being of wife of A2, she has been falsely implicated in the above case. He would also submit that it is a case and counter case and the even in the occurrence A1 to A3 have sustained injuries and they have also given complaint which is also registered in Crime No.1205 of 2020 and the same is pending before the same respondent police. He would also submit that the petitioner is in jail for nearly 50 days, hence she may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that earlier there was a quarrel between A1 and the deceased brother due to which there was a wordy quarrel in which A1 and A2 said to have attacked the deceased and other injured persons, so far as this petitioner is concerned she also attacked the injured witnesses and the investigation is also pending.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the occurrence said to have taken place in a wordy quarrel between the parties and the main allegations are against A1 and A2 only . It is a case in counter and other accused said to have sustained injuries 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, Pattukottai

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

sd/-
24/08/2020

/ 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, PATTUKOTTAI.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
- 3.THE OFFICER INCHARGE,
SUB JAIL, TRICHY
- 4.THE INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2CC to Mr.J.SARAVANAKUMAR, Advocate in Sr.No.6065

ORDER
IN
CRL OP(MD) No.8699 of 2020
Date :24/08/2020

AAV
AE/VR/SAR-II (24.08.2020) 3P 8C