



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8951 of 2020

Esakkiammal

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District
(Crime No. 302 of 2020).

... Respondent/Complainant

For Petitioner : M/s.R.Anand,
Advocate.

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

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

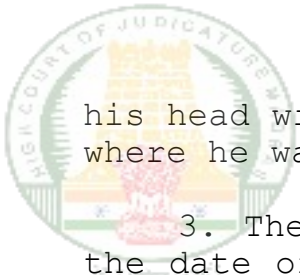
PRAYER :-

For Bail in Crime No. 302 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 31.07.2020 for the alleged offences under Sections 294(b) and 302 of IPC.

2. The deceased is the husband of the petitioner and the petitioner is having three school going children. The case of the prosecution is that the deceased is a drunkard. On 31.07.2020 at about 2.00 pm., the deceased in an inebriated mood quarrelled with the petitioner and the children and also tried to attacked the petitioner with knife. At that time the petitioner prevented the deceased and he fell down. Unable to bear the torture given by the deceased the petitioner herein said to have taken the grinder stone and put it on the neck of the deceased when he evaded he suffered injuries on his nose. Further the petitioner herein attacked him on



his head with a stone. Thereafter the deceased was taken to hospital where he was declared dead.

3. The learned counsel for the petitioner would submit that on the date of occurrence the deceased in an drunken mood attempted to attack the children with knife, at that time in order to save the children the petitioner herein attacked the deceased with grinder stone. Now the three children are alone in the relatives house without parents. Hence she may be granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein deliberately put the grinder stone on the deceased and caused his death.

5. From the perusal of the materials available it is seen that the deceased is the husband of the petitioner and he is a drunkard and he used to quarrel with the petitioner and the three children frequently. On the date of occurrence there was a quarrel with the deceased and the petitioner and the deceased tried to attack the petitioner and her children with knife and in sudden provocation the petitioner is said to have thrown grinder stone, unfortunately it fall on the deceased head and he died. Investigation is almost completed.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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, Ambasamudram, Tirunelveli 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/08/2020

/ 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,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.
2. DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER IN CHARGE,
SPECIAL PRISON FOR WOMEN,
KOKKIRAKULAM, TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8951 of 2020
Date :26/08/2020

AAV

<https://hccs.courtsofmadras.gov.in/Reserve/> 26.08.2020/ 3P/6C