



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.14721 of 2020

1. Vijaya
2. Kanagavalli

... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Inspector of Police,
Thiruvengadam Police Station,
Tenkasi District.
(Crime No.279/2020).

... Respondent/Complainant

For Petitioners : M/s.R.J.Karthick,
Advocate.

For Respondent : Ms.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.279/2020 on the file of respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 , who were arrested and remanded to judicial custody on 21.11.2020 for the offences punishable under Sections 174 Cr.P.C @ 306 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that on 10.11.2020 when the deceased went to fetch water in the public tap, the accused persons abused her by using filthy language and prevented her to take water and also threatened with dire consequences. On 16.11.2020 the relative of the accused persons went to the house of the defacto complainant who is the daughter of the deceased and threatened her. Hence the defacto complainant went to the Sivagiri police station and lodged complaint and on the same day at about 5.30 pm., the deceased committed suicide by hanging herself. Hence the complaint.



3. The learned counsel for the petitioners would submit that after 8 days from the alleged date of wordy quarrel the occurrence said to have taken place and the petitioner is not responsible for the death of the deceased and there is no inducement on the part of the petitioners. He would also submit that the petitioners are no way connected with the said crime, hence he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that due to some dispute regarding fetching of water in a public tap all the accused persons went to the house of the defacto complainant who is the daughter of the deceased and threatened her. For this the defacto complainant also lodged complaint and thereafter the deceased committed suicide by hanging.

5. It is seen that there are totally two accused in this case and the petitioners herein are arrayed as A1 and A2. Even according to the case of prosecution on 16.11.2020 the petitioners came to the house of defacto complainant threatened her with dire consequences. In fact the defacto complainant lodged complaint before the Sivagiri Police Station on 16.11.2020 and thereafter due to humiliation the deceased committed suicide by hanging. It is also seen that there was wordy quarrel between them on 10.11.2020 in respect of taking water in a public tap and there is no evidence to show that the petitioner instigated or abetted the deceased to commit suicide.

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 petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivagiri

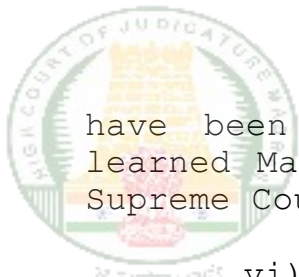
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police daily at 10.30 a.m and 5.30 pm., for a period of four weeks.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions



have been imposed and the petitioners 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/-
14/12/2020

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/ /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, SIVAGIRI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
KOKKIRAKULAM,
TIRUNELVELI.
4. THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14721 of 2020
Date :14/12/2020

AAV
TE/PN/SAR-III : 14/12/2020 : 3P/6C