

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3198 of 2021

M. Latha

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kodarachery Police Station,
Thiruvavarur District.
(Crime No.98 of 2021) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.98 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.P. Muthamizh Selvakumar

For Respondent : Mr.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 29.01.2021 for the offence punishable under Sections 294(b), 324, 307, 506(2) r/w. 302 of IPC in Crime No.98 of 2021, seeks bail.

2. Totally, there are 2 accused and the petitioner is A2. The case of the prosecution is that the deceased and the petitioner are neighbours and there was civil dispute between them. On the date of occurrence, when the petitioner and his son, who is A1 in this case, were drying wet paddy in front of the house of the defacto complainant, quarrel arose between the parties, in which, A1 said to have attacked the deceased with wooden log and caused serious injuries and thereafter, he succumbed to injuries. Hence, the case has been registered against them.

3. The learned counsel for the petitioner would submit that the only allegation against the petitioner is that she has abused the deceased, except that, there is no other allegation attributed as against this petitioner. Hence, he seeks bail to the

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to wordy altercation the occurrence has taken place and only at the instigation of the petitioner, A1 attacked the deceased and caused serious injuries and thereby, caused the death of the deceased. Hence, she opposed to grant bail to the petitioner.

5. I have considered the submissions and perused the materials available on records carefully.

6. Considering the said facts and circumstances of the case, that the overtact attributed to A1, and the fact that there is no serious allegation attributed as against the petitioner except abusing the deceased, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvavarur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
19/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT WOMEN PRISON, THENAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KODARACHERY POLICE STATION,
THIRUVARUR DISTRICT

+1CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges SR NO.1892

CRL OP.3198/2021

Date :19/02/2021

MK:22/02/2021