

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10023 of 2021

1.Sadhasivam
2.Eswari

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Sivagiri Police Station,
Erode District.
(Crime No.90 of 2021)

.... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.90 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

The petitioners who were arrested on 20.05.2021 for the offence under Section 302 of IPC in Cr.No.90 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused had attacked the defacto complainant's daughter, due to which, she died. The petitioners are ranked as A2 and A3 in the case and they are the father - in - law and mother - in - law of the deceased.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He would further submit that the petitioners are agriculturists and that the first petitioner and his son went to the sugarcane field and when they came back, they found the deceased in the floor without any movement and they called a compounder and he confirmed that the deceased had died and they immediately conveyed the same to the defacto complainant.

4.The learned Government Advocate (Crl. Side) submitted that A1 in the case is the husband of the deceased and he is alleged to have attacked the deceased with iron rod and further submitted that these petitioners are parents of A1.

5.Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on the following conditions:

(a) the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), before the Superintendent of Sub Jail, Gobichettipalayam and the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), before the Superintendent of Central Prison, Coimbatore (Women Wing), in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) within a period of four weeks after the release, the petitioners shall execute 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, Kodumudi;

(c) in case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioners are permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(e)the first petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders and the second petitioner shall report before the respondent police as and when required for interrogation;

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

(g)the petitioners shall not abscond either during investigation or trial;

(h)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]**; and;

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

-sd/-
14/06/2021

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,
KODUMUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
ERODE DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, GOBICHETTIPALAYAM.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.10023/2021

Date :14/06/2021

TA-23/06/2021