



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20513 of 2021

1.Molungu Ramasamy @ Ramasamy
2.Devi @ Janaki

.. Petitioners

Vs.

STATE: Rep. by the
Inspector of Police
Namakkal Police Station
Namakkal District
(Crime No.1681 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.1681 of 2021 on the file of Inspector of Police, Namakkal Police Station, Namakkal District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 12.10.2021 for the offences under Sections 294(b), 324, 307, 506(2) IPC, in Crime No.1681 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a property dispute between the defacto complainant and the 1st petitioner who is the brother of the defacto complainant. While so, on 10.10.2021, the petitioners along with their sons had abused the defacto complainant in filthy language. At that time, the 1st petitioner and his sons attacked the defacto complainant and his father-in-law with Aruval, wooden log and iron rod due to which, they sustained injuries.



3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and due to family dispute they have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration for more than 25 days from 12.10.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate would strongly object stating that there are totally 4 accused in this case and the petitioners are arrayed as A1 and A2 and they are husband and wife. He would submit that due to land dispute, the petitioners along with their sons attacked the defacto complainant and his father-in-law and that the injured is still in hospital.

5. The learned Counsel for the Intervenor would also strongly object for grant of bail to the petitioners stating that the injured is still in hospital.

6. At this juncture, the learned Counsel for the petitioners would seek permission of this Court to withdraw the petition in respect of the 1st petitioner and would submit that the 2nd petitioner is a lady aged about 54 years and even as per the prosecution, there is no specific overt act against her and hence, bail may be granted for the 2nd petitioner.

7. In view of the submission made by the learned Counsel for the petitioners, the petition is dismissed as withdrawn in respect of the 1st petitioner.

8. Considering the age of the 2nd petitioner and the period of incarceration suffered by her and that there is no specific overt act against her, this Court is inclined to grant bail to the 2nd petitioner with certain conditions.

6. Accordingly, the 2nd petitioner is ordered to be released on bail on her executing 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- I, Namakkal, and on further condition that:

(a) 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;

(b) the 2nd petitioner shall report before the respondent police on every Friday at 10.30 a.m. until further orders;

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the 2nd petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]; and;

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

-sd/-

11/11/2021

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-I,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL WOMEN PRISON, SALEM.

6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.20513/2021

Date :11/11/2021

INBA-12/11/2021