



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1642 of 2021

Lakshmi Lingam

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
Crime No.599 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Veilkaniraju.M,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

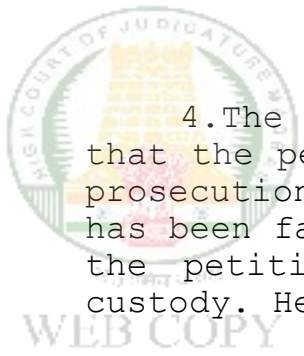
PRAYER :- For Bail in Crime No.599 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 27.12.2020 for the offences punishable under Sections 147, 148, 294(b), 323 and 307 of IPC, in Crime No.599 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons have unlawfully assembled with deadly weapons and abused the defacto complainant by using filthy language and also attempted to murder him with deadly weapons and caused injuries. Hence, a complaint has been registered

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that due to family dispute, he has been falsely implicated in this case. He further submitted that the petitioner was arrested on 27.12.2020 and she is still in custody. Hence, he seeks bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the injured person has already been discharged from the hospital.

6.It is seen that the petitioner married one Muthumani, who is the daughter of the defacto complainant. Due to strained relationship, the wife of the petitioner was living at her parental house, at that time, the child, which was newly born, died on suspicious circumstances and the child was taken for postmortem. A case under Section 174 Cr.P.C., has been registered. The petitioner was not informed about the death of the baby, on coming to know about the same, the petitioner rushed to the Hospital, at that time, the maternal uncle of the petitioner's wife picked up quarrel and fight, the occurrence said to have taken place. It is also seen that injured person has already been discharged from the hospital.

6.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration and the injured person has already been discharged from the hospital, 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 his 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, Srivaikundam, Thoothukudi District.

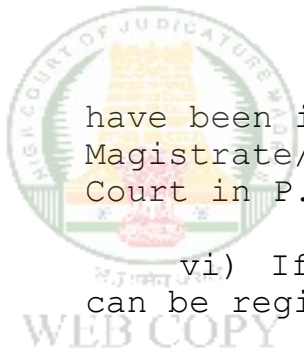
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall stay report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/02/2021

/ TRUE COPY /

/ /2021
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,
SRIVAICKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI,
THOOTHUKUDI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1642 of 2021
Date :05/02/2021

vsg
JM/VR/SAR IV/08.02.2021/3P/6C