



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

Date : 16/03/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.3954 of 2021

Rajabeebi

...Petitioner/Accused No.6

Vs

The State rep.by  
The Inspector of Police,  
Perungudi Police Station,  
Perungudi, Madurai District.  
Crime No.28 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Jayaseelan,  
Advocate.

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

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

PRAYER :-

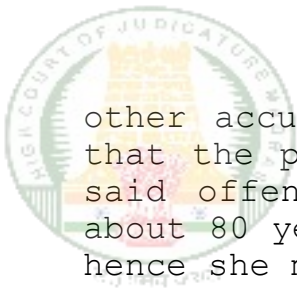
For Bail in Crime No.28 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 27.01.2021 for the offences punishable under Sections 147,148,294(b) and 302 of IPC on the file of the respondent police in Crime No. 28 of 2021 seeks bail.

2.The case of the prosecution is that the petitioner along with other accused said to have unlawfully assembled together,entered into the house of the defacto complainant and attacked the wife of the defacto complainant with aruvalmanai and caused injuries, due to which she was admitted in the hospital and later succumbed to injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner is the mother of the deceased and the



other accused are brothers of the deceased. He would also submit that the petitioner has not instigated other accused to commit the said offence. He would also submit that the petitioner is aged about 80 years and she is in judicial custody for more than 40 days, hence she may be granted bail.

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4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant is the husband of the deceased. The petitioner is the mother-in-law of the defacto complainant and due to some property dispute all the accused persons unlawfully assembled together and entered into the house of the defacto complainant and assaulted the wife of the defacto complainant with aruvalmanai on her chest and pushed down, due to which she became unconscious and the defacto complainant admitted here in the hospital and on the same day night she succumbed to injuries.

5. The defacto complainant is the husband of the deceased. It is seen that there is some dispute with regard to the enjoyment of the property . The deceased along with the defacto complainant had put up hut in the property which was questioned by the petitioner herein. At that time there was a wordy quarrel and exchange of blows, in which A1 said to have hit the deceased on the back using the handle of aruval, due to which she sustained contusion and taking treatment in the hospital from 4.00 pm., and later she died by 09.00 p.m., and thereafter the case has been registered on the next day. From the accident register it is seen that there is no external injuries on the body of the deceased.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the age of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

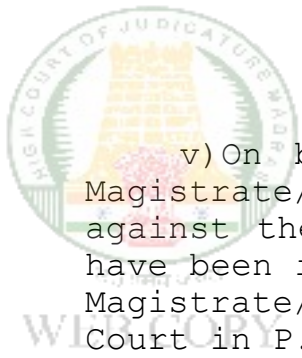
7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai

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 report before the respondent police 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
16/03/2021

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/ /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 No.VI,  
MADURAI, MADURAI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
PERUNGUDI POLICE STATION,  
PERUGUDI, MADURAI DISTRICT.
- 4.THE SUPERINTENDENT,  
CENTRAL PRISON FOR WOMEN, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.3954 of 2021  
Date :16/03/2021

AAV  
TK/VR/SAR.3/16.03.2021/3P/6C