



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3953 of 2021

Uma Magesh @ Uma Mageshwari ... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District ,
Crime.No.51 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Veerakumar T,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

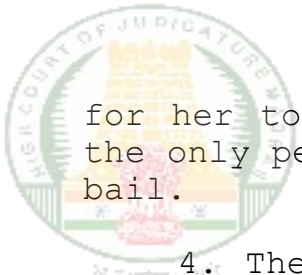
For Bail in Crime No.51 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 23.01.2021 for the offence punishable under Section 302 of IPC on the file of the respondent police in Crime No.51 of 2021 seeks bail.

2.The case of the prosecution is that the petitioner herein attacked the deceased who is her husband with aruval and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would also submit that the deceased is a drunkard and he often used to quarrel with the petitioner and her children. On the date of occurrence there was a quarrel between them and in order to protect herself she attacked the deceased and there is no motive



for her to attack the deceased. He would also submit that she is the only person to look after her children, hence she may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is the wife of the deceased and the defacto complainant is the own brother of the deceased. The deceased is a drunkard and he often used to quarrel with the petitioner herein. On the date of occurrence due to some quarrel the petitioner herein attacked the deceased with aruval on his head and left shoulder, due to which he sustained grievous injuries and died.

5. It is seen that the petitioner is none other than the wife of the deceased. Out of their marriage they were blessed with two children aged about 5 and 3 years. The deceased was a drunkard and always used to quarrel with the petitioner and was not taking care of the family. The petitioner had questioned the same and there was a quarrel. The defacto complainant was informed by his mother that for the past three days fight has been continuing between the petitioner and the deceased. On the fateful day the petitioner herein attacked the deceased and in order to escape from the attack he came out of the house and fell down, the petitioner herein said to have assaulted the deceased on his head and left hand, due to which he sustained injuries and died and now the petitioner's children are taken care by her father

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kovilpatti, 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 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

<https://hmcourtsonline.in/ncrives/> 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/-

15/03/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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.I,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT WOMEN PRISON,
KOKKIRAKULAM,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3953 of 2021

Date :15/03/2021

NR/VR/SAR-II(15.03.2021) 3P:6C

<https://hcservices.ecourts.gov.in/hcservices/>