



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4379 of 2021

Rajalakshmi

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Kallikudi Police Station,
Madurai District
Crime No. 1565/2020..

... Respondent/Complainant

For Petitioner : M/s.Sivaprakash.S.,
Advocate.

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

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

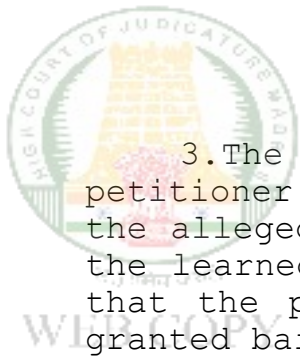
PRAYER :-

For Bail in Crime No. 1565/2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 26.02.2021 for the offences punishable under Sections 294(b), 323,324,506(ii), 302 of IPC @ 294(b), 302,302r/w.34 of IPC and Section 83(2) of Juvenile Justice (Care and Protection) Act, 2015 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 01.11.2020 the deceased was scolding his wife and his daughter in front of their house and that time the second accused who was passing along the way has wrongly assumed that the deceased has scolded her and in turn told the same to her husband, who is A1 in this case. Due to which all the accused armed with wooden sticks and hand attacked the deceased, due to which she swooned and taken to hospital, where he
<https://www.resort.gov.in/cases> thought dead. Hence the complaint.



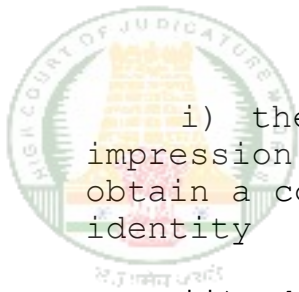
3.The learned counsel for the petitioner would submit that the petitioner herein is arrayed as A3 and she has nothing to do with the alleged offence. Further A1 and A2 in this case were granted by the learned Principal Sessions Judge, Madurai. He would also submit that the petitioner is in jail from 26.02.2021, hence she may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that both the deceased and accused family belong to same village. On 01.11.2020 the deceased was scolding his wife and daughter in front of their house at that time the second accused who was passing along the way had wrongly assumed that the deceased had scolded her and who inturn told the same to A1, due to which all the accused armed with with wooden sticks, went to the house of the deceased and attacked him indiscriminately, due to which he sustained injuries and later died.

5. It is seen that the deceased and the petitioner are residing in the same street and on the date of occurrence when the petitioner's mother was passing near the house of the deceased the deceased has shouted against the defacto complainant and her daughter. The petitioner's mother misconstrued that the deceased was abusing her went and informed the same to her family members, due to which A1 to A4 had gone there and questioned the deceased about the same, due to which there was a wordy quarrel in which all the accused persons said to have attacked the deceased with sticks and hand and he swooned down, immediately he was taken to hospital wherein he was declared brought dead. A1 and A2 who are the parents of the petitioner herein were arrested and later let out on bail. A4 is the brother of the petitioner who is Juvenile and the case has been dealt separately. So far as this petitioner is concerned she said to have attacked the deceased with hands. Admittedly in this case the petitioner has not carried any weapons with her and no dangerous weapons have been used and the allegation against her is that she accompanied her parents in the domestic dispute. Further the petitioner is a college going student studying II Year B.A. English literature in VVV College, Virudhunagar.

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 her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai 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 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/-

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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,
THIRUMANGALAM, MADURAI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
KALLIKUDI POLICE STATION,
MADURAI DISTRICT

4 THE OFFICER INCHARGE,
SUB JAIL FOR WOMEN, NILAKOTTAI,
DINDUGUL DISTRICT.



5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER

IN

CRL OP(MD) No.4379 of 2021

Date :22/03/2021

NR/VR/SAR-III(22.03.2021) 4P:6C