



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.6007 of 2021

1. Raja
2. Aarayee
3. Bhuvana

... Petitioners/Accused 7,8,9

Vs

The State rep. by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.132 of 2021).

... Respondent

For Petitioner : Mr.Rajeshwaran K,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.132 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 23.02.2021 for the offences punishable under Sections 147, 148, 149, 342, 294(b), 324, 307, 302 and 506(ii) IPC in Crime No.132 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there is a dispute between the accused's family and the defacto complainant's family with regard to the drainage. On 22.02.2021, when the defacto complainant's son and other family members taking steps to form a channel by laying a pipe line for taking the drainage water to other side of the road, the accused persons unlawfully assembled with deadly weapons and started attacking them. As a result, the son of the defacto complainant died, due to the severe cut injuries. hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are falsely implicated in this case and they are not responsible for the death of the deceased. Only overt act against the petitioners is that the first petitioner attacking the defacto complainant with knife, the second and third petitioners were attacking with wooden-log. Therefore, he seeks bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that the investigation is not yet completed and the first petitioner is one previous case in crime No.349 of 2017 for the offence punishable under Sections 147, 294(b), 323 and 506(ii) IPC and Section 4 TNPHW Act.

5.Taking into consideration the facts and circumstances of the case and also the fact that the first petitioner is having one previous case, this Court is not inclined to grant bail to the first petitioner and this petition is dismissed so far as the first petitioner is concerned.

6.Considering the fact that the petitioners 2 & 3 are women and the fact that they are in custody from 23.02.2021, and also the fact that material part of the investigation in this case is over, this Court is inclined to grant bail to the petitioners 2 & 3.

7.Accordingly, the petitioners 2 & 3 are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai and on further condition that:

[a]the petitioners 2 & 3 and 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 petitioners 2 & 3 shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 2 & 3 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 petitioners 2 & 3 in accordance with law as if the conditions had been imposed and the petitioners 2 & 3 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/04/2021

/ 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 NO.V,
MADURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL JAIL,
MADURAI.
4. THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6007 of 2021

Date :28/04/2021

GNS

SRS/VR/SAR-II/28.04.2021/3P/6C