



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

Date : 05/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8752 of 2021

Esra

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Sholavandan Police Station,
Madurai District.
Crime No.120 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Paramasivam,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

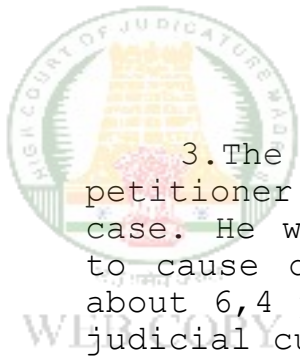
PRAYER :-

For Bail in Crime No. 120/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 21.04.2021 for the offences punishable under Sections 307 r/w.302 of IPC in Crime No.120 of 2021 on the file of the respondent police, seeks bail.

2. The accused is the wife of the deceased. The defacto complainant is the father of the deceased. The case of the prosecution is that on 19.04.2021 at about 06.00 pm., the defacto complainant received a call informing that there was a fight between his daughter-in-law and his son. In the course of fight the accused said to have attacked the deceased with stone, as a result he suffered injuries. When he visited the spot he found blood stains in the floor and pillow. He also found blood stains in the stone, therefore he gave complaint. Subsequently the injured/Daisan Raja died. Thereafter the case has been altered to Sections 307 @ 302 of IPC.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner has no intention to cause death of her husband. Further she has two children aged about 6,4 years. He would further submit that the petitioner is in judicial custody from 21.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. Allegations in the complaint shows that the due to some dispute the accused said to have caused injuries on the head of her husband/deceased with stone. As a result he suffered injuries and succumbed. Further it is alleged that the accused has no intention in causing the death of the deceased.

6. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 21.04.2021 and also taking note of the relationship between this petitioner and the deceased, this Court is inclined to grant bail to the petitioner

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, Vadipatti, Madurai District and on further condition that:

[a] 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 petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 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]**.



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

sd/-
05/07/2021

WEB COPY

/ 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,
VADIPATTI, MADURAI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
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.8752 of 2021
Date :05/07/2021

AAV
TK/JC/SAR.3/05.07.2021/3P/6C