



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

Date : 01/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14871 of 2021

1. VEMBU PECHIYAMMAL
2. SUDALAIVADIVU

... PETITIONERS/ACCUSED NOS.1&2

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.229 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.V.Angusamy, Advocate.

For Respondent : Mr.T.Senthilkumar

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.229 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested on 17.08.2021, for the offence punishable under Section 302 I.P.C, in Crime No.229 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first petitioner is the wife and the second petitioner is the mother-in-law of the deceased. The deceased is a drunkard. He often used to quarrel with his wife and his mother-in-law. On 17.08.2021, there was a wordy quarrel between the deceased and the petitioners. On such quarrel, the petitioners attacked the deceased with iron rod and caused his death. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that they are languishing in jail from 17.08.2021 and hence, he seeks for grant of bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the petitioners being wife and mother-in-law of the deceased and the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur, Thoothukudi District and on further conditions 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 petitioners shall report before the respondent Police daily at 10.30 a.m until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/10/2021

/ 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,
TIRUCHENDUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB-JAIL, KOKIRAKULAM, TIRUNELVELI.
4. THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14871 of 2021
Date :01/10/2021

USK/SKN/SAR-III/(01.10.2021) 3P-6C