



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

Date : 27/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16424 of 2021

Nallammal,

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Kattuputhur Police Station,
Kattuputhur,
Trichy District.
Crime No. 204 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.204 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who has surrendered on 30.09.2021 for the offence punishable under Sections 294(b), 324, 307 and 506(ii) I.P.C @ Section 302 I.P.C, in Crime No.204 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and the first accused in this case are brothers. The petitioner herein is the wife of the first accused. On 09.06.2021, When the defacto complainant visited his agricultural field, there was a wordy quarrel between the petitioner's family and the defacto complainant regarding partition and this petitioner along with others have assaulted the defacto complainant with an aruval and caused injury on the head of the defacto complainant and immediately, he was admitted in the hospital on 09.06.2021. After taking treatment, the defacto complainant was discharged from the hospital on 09.06.2021. Thereafter, the defacto complainant



developed certain complications and died on the way to hospital on 07.07.2021. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. The accused no.3 who is the son of this petitioner was enlarged on bail by this Court in Crl.OP(MD).No.12557 of 2021 on 01.09.2021. The petitioner is in jail from 30.09.2021 and hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the victim died due to Multi Organs Failure. Subsequently, the case was altered into Section 302 I.P.C. He would further submit that the final report is yet to be filed and the co-accused has already been granted bail by this Court on 01.09.2021 in Crl.OP(MD).No.12557 of 2021.

5.Originally this case was registered under Section 307 IPC and the defacto complainant was admitted in the hospital on 09.06.2021, after taking treatment, he was discharged from the hospital on 14.04.2021. Thereafter, he developed certain complications and died after 28 days, ie., on 07.07.2021, hence, the case was altered into Section 302 IPC. Considering the facts and circumstances of the case, the nature of allegation levelled as against this petitioner, the fact that the petitioner has voluntarily surrendered before the Judicial Magistrate concerned, the co-accused has been granted bail by this Court and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri 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 Aadhaar card or bank pass book to ensure their identity.

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

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

[d] the petitioner shall not tamper with the 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/-
27/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/msa

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,
MUSIRI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
KATTUPUTHUR,
TRICHY DISTRICT.
- 4 THE OFFICER INCHARGE,
WOMEN PRISON,
TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16424 of 2021
Date :27/10/2021

PKP/JM/SAR-2/27.10.2021/3P/6C