



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.20629 of 2021

Antony

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No.416 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Radhakrishnan,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.416 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 herein, who was arrested on 04.11.2021 for the alleged offence under Sections 294(b), 302, 323 and 506(ii) of IPC in Crime No.416 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased was not having permanent residence and he came to the Village on a particular date and he was not invited for a function by the first accused. When that was questioned by him, he was assaulted by the first accused on 27.10.2021. After that he went for usual fishing work. On 02.11.2021, he returned to the shore due to the complaint about stomach pain and other ailments, he was admitted in the hospital on 03.11.2021 and died on 07.11.2021. Hence, the complaint has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor submitted that investigation is pending.

5.In the complaint it is stated that on 27.10.2021 at about 03.00 p.m., the deceased was assaulted indiscriminately by the accused persons all over his body. He was taken to the private hospital on that day. Later he was shifted to another private hospital. Later to the Government hospital, Asaripallam. At that time he was unconscious. Hence, on that basis a case in Crime No.416 of 2021 for the offences punishable under Sections 294(b), 323 & 506 (ii) IPC on 03.11.2021 was registered. After the death of deceased on 06.11.2021, it was altered to 302 IPC. This petitioner was arrested on 04.11.2021 and co-accused has been arrested and later released on bail by Principal Sessions Judge, Kanniyakumari District in Crl.M.P.No.5343 of 2021.

6.The learned Additional Public Prosecutor submitted that even though the co-accused have been released on bail A5 in this case still absconding. The death was caused due to the assault made by the petitioner upon the deceased.

7.The learned counsel for the petitioner submitted that after the above said date of occurrence i.e., on 27.10.2021, the deceased went to the fishing work and only later he has complaint of stomach pain and admitted in the hospital and according to him, the death was not caused by the petitioner. However, reading of the postmortem Certificate shows that he sustained multiple injuries and because of the multiple injuries, he succumbed.

8.Considering the fact that the co-accused in this case have been released on bail by the trial Court, considering the nature of offence as well as the manner of the assault that has been made upon the deceased and the duration of custody, this Court is inclined grant bail to the petitioner on certain conditions.

9.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Eraniel, Kanniyakumari District and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
23/12/2021

/ 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,
ERANIEL, KANYAKUMARI DISTRICT.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE OFFICER INCHARGE,
CENTRAL SUB JAIL, NAGERCOIL, KANYAKUMARI DISTRICT
 - 4 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.G.RADHAKRISHNAN, Advocate SR.No.9770.

ORDER
IN
CRL OP(MD) No.20629 of 2021
Date :23/12/2021

TM
MK/VR/SAR.IV/27.12.2021/3P/7C