



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.98 of 2022

Poongavanam

...Petitioner

Vs.

State rep. by
The Inspector of Police
Arakandanallur Police Station
Villupuram District
Crime No.627 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.627 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Gangadaran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.11.2021 for the offences under Sections 294(b), 324, 302 of IPC, in Crime No.627 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.11.2021 at about 5.30 p.m., the defacto complainant's husband namely Elumalai in a drunken state abused the accused in filthy language for dumping wastages into his land. At that time, the petitioner and her son attacked the husband of the defcato complainant with brick and stone due to which, he sustained injuries and taken to hospital. Later at about 1 a.m. on 10.11.2021, he died. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is aged about 50 years and due to sudden provocation, the occurrence had happened and that there is no motive for the petitioner to attack or kill the deceased. He would further submit that the petitioner has been suffering incarceration for more than 60 days from 17.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that out of wordy quarrel, the occurrence had happened. But admits that the son of the petitioner who is arrayed as A2 is a juvenile and he has been released on bail.

5. Considering the facts and circumstances of the case and the age of the petitioner who is a woman and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Tirukoilur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday and Sunday at 10.30 a.m. until further orders and the petitioner shall not have any communication with the family of the deceased.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUKOILUR, VILUPPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to MR.K.GANGADARAN Advocate on payment of necessary charges

CRL OP.98/2022

Date :06/01/2022

RW 07/01/2022