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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

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

Crl.O.P.No.278 of 2022

1.Madhammal
2.Venkatesan

.. Petitioners

Vs.

State Rep by
The Sub Inspector of Police,
krishnappuram Police Station,
Dharmapuri District.
(Crime No.427 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.427 of 2021 on the file of the respondent police.

For Petitioners: Mr.J.Bharathiraja

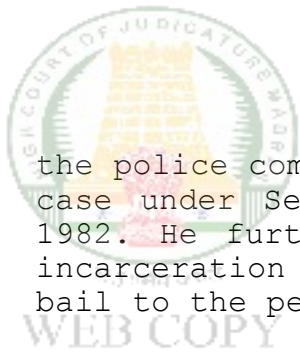
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.11.2021 for the offences under Sections 302 of IPC in Crime No.427 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was property dispute between petitioners and the deceased family. In this connection, the petitioners attacked the deceased with stone and wooden log, due to which, the deceased had sustained grievous injuries and died on the spot. Hence, the complaint.

3. The learned Counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the deceased is an habitual offender and on the date of occurrence he misbehaved with the first petitioner for which,



the police complaint was lodged in the 2012 and he also have a another case under Section 307 of IPC and he was detained under Act 14 of 1982. He further submits that the petitioners have been suffering incarceration for 40 days from 28.11.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that recently three co-accused were arrested and the investigation is not yet completed.

5. Considering the facts and circumstances of the case and also the fact that the first petitioner is being a woman and aged about more than 55 years and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the first petitioner/Madhammal with conditions and the offence committed by the second petitioner is heinous one, this Court is not inclined to grant bail to the second petitioner .

[a] the first 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 his release;

[b] the first petitioner shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.II, Dharmapuri district, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the first petitioner shall appear before the respondent police daily at 10.00 a.m, until further orders;

[e]the first petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the first petitioner shall not abscond either during investigation or trial;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the first 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]; and;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

11/01/2022

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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 NO.II,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI DISTRICT (FOR INFORMATION).

3 THE SUB INSPECTOR OF POLICE,
KRISHNAPURAM POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

CC to M/S.J.BHARATHIRAJA Advocate on payment of necessary charges

CRL OP.278/2022

Date :11/01/2022

INBA-12/01/2022