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Crl.O.P.No.28098 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.28098 of 2022

1. Gunasundari

2. Kalavadhi

... Petitioners

Vs.

State by Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Cr.No.521 of 2022 on the file of
the Inspector of Police, Kodavasal Police Station, Thiruvarur.

For Petitioners : Mr.A.L.Ramamoorthy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.28098 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.10.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 324, 506(ii) & 307 of IPC, in Crime No.521 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Mahendran is that the accused are his neighbours and that on 15.10.2022, during a wordy quarrel, the petitioners along with other accused had assaulted the *de-facto* complainant and his family members with wooden log. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners and the *de-facto* complainant are neighbours and the incident had occurred during a wordy quarrel. He would submit that the *de-facto* complainant had also assaulted the petitioners' family members, which had resulted in the case. As far as the allegations as against the petitioners are concerned, they attacked the *de-facto* complainant's father with wooden



Crl.O.P.No.28098 of 2022

log and as per the prosecution, the father of the *de-facto* complainant has been discharged from the hospital. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners and the *de-facto* complainant are neighbours and during a quarrel, the petitioners along with others indiscriminately assaulted the *de-facto* complainant and his family members. However, the allegations in respect of the petitioners is that they have assaulted the *de-facto* complainant's father with wooden log and the *de-facto* complainant's father has been discharged from the hospital. Where as, as far as A5/Anbalagan is concerned, he had assaulted the brother of the *de-facto* complainant with wooden log on his hip resulting him sustaining fracture and he is still under treatment. However, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.



Crl.O.P.No.28098 of 2022

WEB COPY

6. Taking into consideration the facts and submissions made by the learned counsel and also considering that the petitioners are ladies and the incident had happened during a quarrel and it is a dispute between the neighbours, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 **learned Judicial Magistrate at Thiruvarur**, 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 stay at Kumbakonam and report before the Inspector of Police, Kumbakonam East Police Station everyday at 10.30 a.m., until further orders. The petitioners shall not enter into the jurisdiction of the respondent police until further orders



Crl.O.P.No.28098 of 2022

WEB COPY
trial.

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

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

17.11.2022

mpl



WEB COPY



Crl.O.P.No.28098 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl

To

1. The Judicial Magistrate,
Thiruvarur.
2. The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
3. The Special Prison for Women,
Tiruchy.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.28098 of 2022

17.11.2022