



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/01/2022
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.1454 of 2022

Sheela

... Petitioner/Sole Accused

Vs.

The State rep.by
The Inspector of Police,
Melur Police Station,
Melur,
Madurai District.
Cr.No.735 of 2021.

... Respondent/Complainant

For Petitioner : Mr.SANKARAPANDIAN,J.
Advocate.

For Respondent : Mr.S.MANIKANDAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.735 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

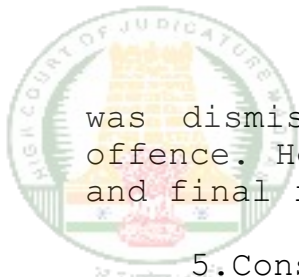
The petitioner/Sole Accused, who was arrested on 28.11.2021 for the offence punishable under Sections 294(b), 341 and 302 IPC, in Crime No.735 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there is a matrimonial dispute between the petitioner and the deceased. The *de facto* complainant is the mother of the deceased. While the *de facto* complainant attempted to save the deceased, the petitioner attacked the deceased with a roller stone, he succumbed to injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. Hence, she seeks for grant bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is second bail application. The petitioner's earlier application in Crl.O.P(MD)No.21049 of 2021

<https://hcservices.ecourts.gov.in/hcservices/>



was dismissed on 29.12.2021, taking note of the gravity of the offence. He further submitted that now investigation is almost over and final report not yet filed.

5.Considering the facts and circumstances of the case and also taking into consideration the period of incarceration and the investigation is almost over, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Melur, Madurai District 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 petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required.

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

[d]the petitioner 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 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/-

31/01/2022

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31/01/2022

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
MELUR, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
WOMEN JAIL, NILAKOTTAI, DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MELUR,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1454 of 2022

Date :31/01/2022

SA/JM/SAR.2/31.01.2022/3P/6C