



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.9343 of 2022

1. Pandi
2. Thangaraman
3. Raasapandi
4. Muthuraman ... Petitioners/Accused rank not known

Vs

THE STATE REP BY,
The Inspector of Police,
Sindupatti Police Station,
Madurai District.
Cr.No.51/2022.

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 51/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded judicial custody on 22.03.2022 for the offences punishable under Section 174 Cr.P.C. @ 114, 201 and 302 IPC in Crime No.51 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the second petitioner's wife took lunch for the accused, a bull hit her. She was taken to Government Hospital and thereafter she was taken to



Meenakshi Mission Hospital for further treatment. However, she succumbed to injuries. On investigation, it is revealed that the first petitioner pulled the hair of the deceased and pushed her down and due to which she died. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are same family members. The first petitioner is the brother of the second petitioner. The second petitioner is the husband of the deceased. The third and fourth petitioners are sons of the second petitioner and the deceased. The petitioners are falsely implicated in this case and they have not committed any offence.

4.The learned Additional Public Prosecutor for the respondent police submits that originally a false complaint was given by the second petitioner and only on investigation, the truth had come out and the offence was altered thereafter. He further submits that the second petitioner colluded with the first petitioner and killed the deceased. The deceased died only due the act of the first petitioner. The investigation is almost completed.

5.Considering the nature of offence committed by the first and second petitioners, this Court is not inclined to grant bail to them and this Criminal Original Petition is dismissed as far as the first and second petitioners.

6.There is no specific overt act against third and fourth petitioners. Hence, this Court is inclined to grant bail to the third and fourth petitioners.

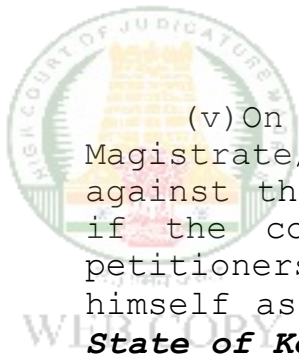
7.Accordingly, the third and fourth petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the third and fourth petitioners shall report before the respondent police as and when required for interrogation;

(iii)the third and fourth petitioners shall not tamper with evidence or witness;

(iv)the third and fourth petitioners shall not abscond during trial;



(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the third and fourth petitioners in accordance with law as if the conditions have been imposed and the third and fourth 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]***.

sd/-
18/05/2022

/ TRUE COPY /

18/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

IAS

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,
THIRUMANGALAM
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
SINDUPATTI POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.POORNA CHANDRAN, Advocate (SR-4721[I]dated 18/05/2022
)

ORDER
IN
CRL OP(MD) No.9343 of 2022
Date :18/05/2022

PKP/SVR/SAR-2/18.05.2022/3P/7C

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