



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10.06.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9722 of 2022

Anusiya : Petitioner/Sole Accused

Vs.

State represented by
The Inspector of Police,
Aravakurichi Police Station,
Karur City.
(Crime No.146 of 2022)

: Respondent/Complainant

For Petitioner : Mr.S.Vishnuvaradhan,
Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

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

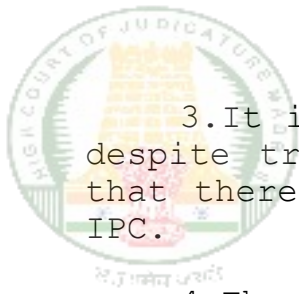
PRAYER :-

For Bail in Crime No.146 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 30.04.2022 for the offence punishable under Sections **294(b), 324 and 506(1) IPC @ 294(b) and 304 IPC**, in Crime No.146 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there existed disputes regarding tying of the dog of the complainant; that on 29.04.2022 at about 06.30.p.m, the accused had raised objections with the son of the defacto complainant for not tying the dog and there arose wordy quarrel between the parties; that when the mother of the defacto complainant Rasammal had intervened, the accused by saying that she was responsible for the entire dispute, pulled her down; that the said Rasammal fell on the cement slab and sustained head injury; that she was immediately taken to the Aravakurichi Government Hospital and after first aid treatment, she was taken to Trichy Government Hospital and that on the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.146 of 2022 for the offence under Sections 294(b), 323 and 506(1) IPC.



3.It is further case of the prosecution that the said Rasammal, despite treatment, succumbed to the head injury on 03.05.2022 and that thereafter, the case was altered into Sections 294(b) and 304 IPC.

4.The petitioner's case is that she is in no way connected with the alleged occurrence; that the grand son of the deceased alone had pushed the deceased and invited the accident; that the defacto complainant due to the previous enmity, has lodged the false complaint; that the petitioner is innocent and that she was not involved in any crime as alleged by the prosecution.

5.Admittedly, the petitioner was arrested on 30.04.2022 and she is in juridical custody.

6.The learned counsel for the petitioner would submit that there arose a quarrel between the parties and at that time, on sudden provocation, the petitioner had pushed the deceased and that the deceased unable to balance, fell down and sustained injury and that the petitioner had no intention at all to attack or injure the deceased.

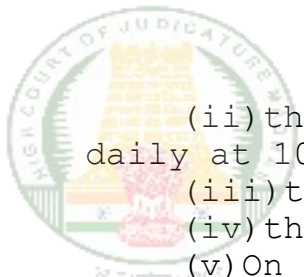
7.It is evident from the Post Mortem Certificate that the deceased had suffered injury on left lower back of head and a punctured wound of size 0.2 x 0.2 cm x vessel over back of left forearm and that the Medical Officer has given his opinion that the deceased would appear to have died, due to effects of Head injury sustained.

8.The learned Government Advocate (Criminal Side) appearing for the State would submit that the deceased was not having any other injury and that the petitioner is not having any bad antecedents.

9.Considering the above facts and also the way in which, the incident was occurred and also the facts that the petitioner is in judicial custody from 30.04.2022, and that the petitioner is not having any bad antecedents as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant bail to the petitioner with certain conditions.

10.Accordingly, the petitioner is ordered 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 District Munsif cum Judicial Magistrate, Aravakurichi, Karur District.

(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 petitioner shall report before the respondent police daily at 10.30.am, until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner 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 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]***.

(vi) If the accused/petitioner, thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/06/2022

/ TRUE COPY /

10/06/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARAVAKURICHI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
ARAVAKURICHI POLICE STATION,
KARUR DISTRICT.

4 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
TRICHY.

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

ORDER IN

CRL OP(MD) No.9722 of 2022

Date : 10/06/2022