



WEB COPY

CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 15/09/2022

Delivered on : 19/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16591 of 2022

1. Pandeewari
2. Krishnaveni
3. Lakshmi
4. Ramaiya

... Petitioners/Accused 2 to 5

Vs.

State Rep.by
The Inspector of Police,
Chathrapatti Police Station,
Dindigul District.
Crime No.19 of 2022.

... Respondents/Complainant

For Petitioners : MR.N.ANANTHAPADMANABHAN, Advocate
for M/S.APN LAW ASSIOCIATES,
For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

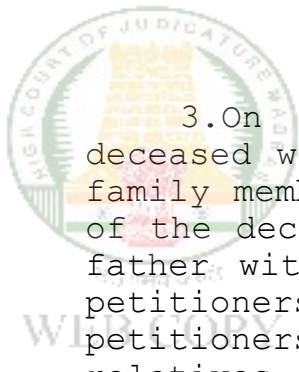
PRAYER :-

For Bail in Crime No.19 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who was arrested and remanded to judicial custody on 05.08.2022, in Crime No.19 of 2022, on the file of the respondent police, seek bail.

2.The allegation against the petitioners is that the deceased used to harass his family members in a drunken mood, due to his harassment, the petitioners and other accused conspired together and they came to the house of the defacto complainant and A1 quarrelled with the son of defacto complainant, attacked him with cricket bat on the head and caused his death. A case in Crime No.19 of 2022, under Sections 302, 120(B), 341 and 109 I.P.C, was registered against the petitioners.



3. On the side of the petitioners, it is stated that the deceased woke up from sleep and at midnight he quarrelled with his family members and scolded his daughter in filthy language. The son of the deceased could not tolerate the words of abuse, attacked the father with a cricket bat and there is no connection between the petitioners and the occurrence. The police implicated the petitioners on the only ground that they called some of their relatives, who are all residing in their locality. There is possibility for the ladies to seek the help of their relatives wherever, there is some domestic violence and a false case was foisted against the petitioners and they are no way connected with the alleged occurrence. The petitioners are in judicial custody for the past 40 days and prayed the petitioners to be released on bail.

4. On the side of the prosecution, it is stated that the petitioners and other accused brutally attacked the deceased and caused him death. The call history of the petitioners reveals that there was conspiracy, since the call register show the same tower. Already the petitioners filed a bail petition before the Principal Sessions Judge, Dindigul, in Crl.M.P.No.2761 of 2022, and the same was dismissed on 29.08.2022 and prayed the petition to be dismissed.

5. It is seen that the petitioner has filed a bail petition before the Principal District Court, Dindigul, in Crl.M.P.No.2761 of 2022, and the same was dismissed on 29.08.2022.

6. Considering the nature and circumstances of the offence and considering the overt act attributed against the petitioners, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

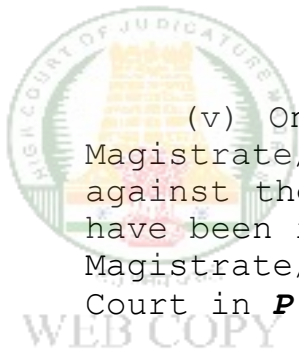
7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on their executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ottanchatiram, and on further conditions that:

(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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(iv) the petitioners shall be present before the Court on <https://www.hcj.org.in/dist> and before the respondent police as and when required;



(v) 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 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/09/2022

/ TRUE COPY /

19/09/2022

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

ORDER

IN

CRL OP(MD) No.16591 of 2022

Date :19/09/2022

LS

RS/SBN/SAR.1 (19.09.2022) 3P-6C