



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

WEB COPY

CRL OP (MD) . Nos.21596 and 21598 of 2022

Pitchaiammal

... Petitioner/Accused No.2
in Crl.OP (MD). 21596 of 2022

Mookan

... Petitioner/Accused No.3
in Crl.OP (MD).21598 of 2022

Vs

The State rep.by
The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam, Thoothukudi District.
(Crime No.262/2022).

... Respondent/Complainant
in Both Petitions

Subramanian

... Intervening Petitioner/
Respondent/De-facto Complainant
in Crl.MP (MD).15465 & 15468/2022
in Crl.OP (MD).21596 & 21598/2022

IN BOTH PETITIONS:

For Petitioners : M/s.PRAGALATHAN N,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Additional Public Prosecutor

For Intervenor : Mr.M.SATHIAMOORTHY, Advocate

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

COMMON PRAYER :- For Bail in Crime No.262/2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners who were arrested and remanded to judicial custody on 10.10.2022 for the offence punishable under Sections 294(b), 324, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act @ 294(b), 323,, 324, 302, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No. 262 of 2022 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that due to wordy quarrel, the petitioners herein have abused the defacto complainant and his family members and at that time, the first accused came and attacked the defacto complainant's daughter-in-law by using a wooden log and also attacked the defacto complainant's grandson using a brick and caused injuries and thereafter, the accused ran away from the place of occurrence. Immediately, the defacto complainant's daughter-in-law was admitted in the hospital and subsequently, died. Initially a case has been registered for the offence under Sections 294(b), 324, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Later, case has been altered into Sections 294(b), 323,, 324, 302, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

3. The learned counsel appearing for the petitioners would submit that there was a previous enmity between the family members of the defacto complainant and the petitioners and that the incident had occurred during the quarrel. He would further submit that petitioners herein are husband and wife and A1, who is the son of the petitioners was detained under Goondos Act. He further contended that the petitioners are in judicial custody from 10.10.2022 and seeks bail.

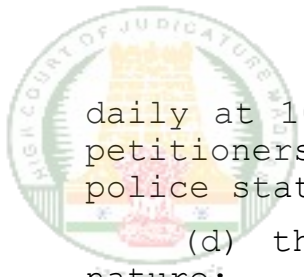
4. The learned Additional Public Prosecutor appearing for the respondent would submit due to quarrel, the petitions along with main accused assaulted the family members of the defacto complainant by using woodenlog and that daughter-in-law of the defacto complainant died in the hospital after taking treatment for some time. He would further submit that the relatives of the accused have threatened the grandson of the defacto complainant and he has also given a complaint with regard to the same and an enquiry has been conducted and closed in CSR.No.910 of 2022.

5. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioners are in judicial custody from 10.10.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall stay at Thirunelveli and report before the Thirunelveli Medical College Hospital Police Station,



daily at 10.30 am until further orders. It is made clear that the petitioners shall not enter into the jurisdiction of the respondent police station until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/12/2022

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13/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
SPECIAL WOMEN SUB-JAIL, KOKKIRAKULAM, TIRUNELVELI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE INSPECTOR OF POLICE,
SRIVAİKUNDAM POLICE STATION,
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



COPY TO:

THE INSPECTOR OF POLICE,
THIRUNELVELI MEDICAL COLLEGE HOSPITAL POLICE STATION,
THIRUNELVELI.

+2. CC to M/S.PRAGALATHAN N Advocate SR.No.14753

ORDER

IN

CRL OP (MD) . Nos.21596 and
21598 of 2022

Date :13/12/2022

TRP

SA/SSS/SAR.2/13.12.2022/4P/10C