



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.22637 of 2022

Subasri @ Yuvasri

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.1383 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karuppasamy Pandiyan G,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

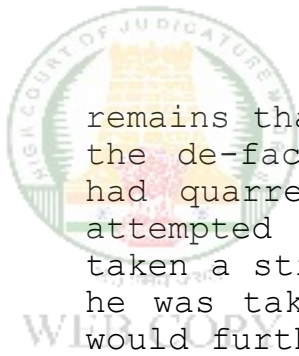
PRAYER :- For Bail in Crime No.1383 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 12.12.2022 for the offence punishable under Sections 294(b), 324, 506(ii) and 307 IPC @ 294(b), 324, 506(ii), 307 and 302 of IPC in Crime No.1383 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that there was a civil dispute between her family and family of the accused. The further allegation is that on 24.11.2022 at 09.30 p.m., there was a quarrel, during which, the petitioner had stated that if only he die, all the disputes will get over and had assaulted the victim with stick, due to which, he sustained injuries and he was taken to Thanjavur Medical Hospital and he was admitted for treatment, where, he died after three days during the course of treatment. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would further submit that the fact



remains that there was an enmity between the petitioner's family and the de-facto complainant's family and on 24.11.2022, the deceased had quarrelled with the petitioner and during such time, he had attempted to misbehave with the petitioner and thereby, she has taken a stick and assaulted the victim and he sustained injuries and he was taken to the hospital, where, he died after three days. He would further submit that the incident had happened during a quarrel and there was no motive or intention to commit the murder of the victim and that the victim was also aged 70 years. He would further submit that the petitioner is now three months pregnant and that she surrendered before the jurisdictional Magistrate and thereafter, the respondent police has also taken custody and the custodial interrogation of the petitioner has also been over. He would further submit that there will not be further requirement for custody of the petitioner. He would further submit that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court. He would further submit that the petitioner has no criminal background. Hence, he seeks for bail.

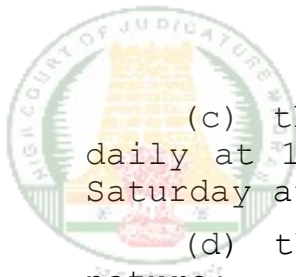
4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was previous enmity on account of a civil dispute between the petitioner's family and the de-facto complainant/victim's family, due to which, on 24.11.2022, the petitioner had quarrelled with the victim and her family members, the petitioner had assaulted the victim with stick, due to which, he sustained injuries and he was taken to Thanjavur Medical Hospital and he was admitted for treatment, where, he died after three days during the course of treatment. Hence, he opposed for grant of bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that the petitioner is now three months pregnant, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Orathanadu, 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 petitioner shall report before the responder daily at 10.30 a.m. for a period of one week and thereafter, every Saturday at 10.30 a.m, until further orders;

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

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

(f) the petitioner 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 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];

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

sd/-

22/12/2022

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22/12/2022

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

SJI

TO

1 THE JUDICIAL MAGISTRATE, ORATHANADU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT, CENTRAL PRISON (WOMEN CELL), TRICHY.

4 THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANAJAVUR DISTRICT.

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

+1. CC to M/S.KARUPPASAMY PANDIYAN G Advocate SR.No.15320

ORDER IN

CRL OP(MD) No.22637 of 2022

Date :22/12/2022

SA/SSS/SAR.1/22.12.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>