



Crl.OP.No.14621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.No.14621 of 2023

Koteeswari

..Petitioner

Vs.

The State represented by
The Inspector of Police,
Latheri Police Station,
Vellore District.`

..Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.71 of 2023 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl side)

ORDER

This petition is filed to enlarge the petitioner on bail in crime No.71 of 2023 pending investigation on the file of the respondent.



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2.The learned counsel for the petitioner submitted that petitioner is daughter of deceased Margabandhu. There is a property dispute between petitioner and his brother Srinivasan with regard to the properties of Margabandhu. The allegations against the petitioner is when she tried to block the stick held by Margabandhu, he fell down and sustained injuries, resulting in fracture on his hip bone and consequent death. Petitioner never intended to cause any injury or death of her father. She is in judicial custody from 24.05.2023. Thus, the learned counsel for the petitioner prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal side) submitted that in a property dispute between petitioner, her brother and the deceased Margabandhu and in push and pull incident, deceased suffered injuries and died.

4.From the consideration of the First Information Report



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allegations and the submission of learned counsel appearing for parties, it appears that there is a property dispute between petitioner and his brother Srinivasan. On 20.05.2023, at about 8.00 a.m., it was alleged that when the deceased tried to hit the petitioner's eight years old son with stick, petitioner pulled the stick from the deceased. The deceased fell and suffered fracture on his hip, leading to his death.

5.Considering the facts of the case and circumstances under which the deceased suffered injuries and also the fact that the petitioner is in judicial custody from 24.05.2023, this Court is inclined to grant bail to the petitioner. 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 Judicial Magistrate, Katpadi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at



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10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The learned Judicial Magistrate,
Katpadi
- 2.The Inspector of Police,
Latheri Police Station,
Vellore District.
- 3.Central Prison for Women,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN.J.,

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