



Crl.O.P.No.18508 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.18508 of 2023

Nirmala

...Petitioner

Vs.

State rep. By,
Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
(Crime No.269/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.269 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2023 for the offences punishable under Sections 294(b), 304(ii) of IPC in Crime No.269 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that, the allegation that petitioner had pushed the deceased and was responsible for his death is not correct. Petitioner is in judicial custody from 28.06.2023. Thus, he prays for grant of bail.

3. In response, learned Additional Public Prosecutor submitted that there is a dispute between the deceased's family and the accused family with regard to a business. On 28.06.2023, at about 7.45 a.m., *de-facto* complainant found that drumstick tree had fallen and therefore, *de-facto* complainant and her husband decided to fence the property. On seeing that, petitioner had scolded the *de-facto* complainant's husband/deceased in filthy language and pushed him down. As a result, he suffered head injuries and then, he died.

4. This is a second bail petition. Earlier bail petition filed by



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the petitioner in Crl.O.P.No.16334 of 2023 was dismissed on 24.07.2023.

5. Now considering the duration of incarceration of the petitioner in judicial custody and the fact that, she is a woman and that substantial part of the investigation might have been completed, this Court is inclined to grant bail to the petitioner.

6. 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-I, Mayiladuthurai**, 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 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.



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G.CHANDRASEKHARAN, J.

mpl

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

mpl

16.08.2023

To

- 1.The Judicial Magistrate-I,
Mayiladuthurai.
- 2.The District Jail (woman), Thiruvarur.
- 3.The Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
- 4.The Public Prosecutor,
High Court of Madras.

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