



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/01/2023

PRESENT

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

CRL OP(MD) . No.1008 of 2023

1. Ramalakshmi,

2. Manthira Lakshmi, .. Petitioners/Accused Nos.2 & 3

Vs

State Rep by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.685 of 2022.. ... Respondent/Complainant

For Petitioners : M/S.K.Sathish Kumar,
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.685 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested and remanded to
judicial custody on 17.12.2022 for the offence punishable under
Sections 302 of IPC @ 302 of IPC r/w.120(b) of IPC in Crime No.685
of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the deceased Karuppasamy
is the son of his younger brother, The further allegation is that
the deceased has misbehaved with A3, who is the wife of A1, as a
result of which the accused had planned to murder the deceased and
had assaulted him with iron rod, due to which he died on the spot.
Hence the case came to be registered.

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3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are respectively mother and wife of A1 and the deceased is none other than the younger brother of A1 and that the allegation against the accused persons is that the deceased had misbehaved with the second petitioner, due to which the accused had planned and committed the murder of the deceased assaulting him with iron rod. He would further submit that there is no eye witness to the occurrence and even as per the defacto complainant he is stated to be only a hearsay witness to the occurrence and only on weak motive the respondent police has implicated the petitioner in this crime. He would further submit that major part of the investigation is over and the petitioner is in custody from 17.12.2022,hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the deceased are close relatives .A1 in this case and the victim are brothers. The deceased had misbehaved with A3 /second petitioner herein. Due to previous enmity between them on the fateful day the first accused had made the deceased to drink thereafter took him to the place of occurrence and the other accused joined together and attacked him with iron rod and caused his death. He would further submit that initially a case was registered under Section 302 of IPC and later it was altered to section 302 r/w.120(b) of IPC and the investigation is still pending. He would further submit that there is specific overt act as against the first petitioner/A2, hence he opposed to grant bail to the petitioners.

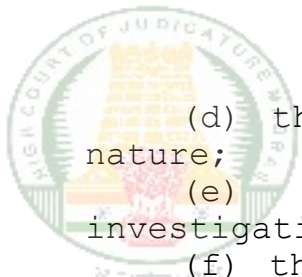
5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, 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.II, Kovilpatti 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 report before the respondent police daily at 10.30 a.m., until further orders;



(d) the petitioners shall not commit any offences of 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 petitioners 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/-
20/01/2023

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20/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1. The Judicial Magistrate No.II, Kovilpatti
2. Do Through The Chief Judicial Magistrate, Thoothukudi.
3. The Superintendent, Central Prison for Women
Kokkirakulam, Tirunelveli.
4. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-893[I] dated 20/01/2023)

ORDER
IN
CRL OP(MD) No.1008 of 2023
Date : 20/01/2023

TR/SSS(20.01.2023) 3P 7C

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