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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10003 of 2023

Elammal @ Velammal

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Sivagangai Taluk Police Station,
Crime No.46 of 2023

... Respondent/Complainant

For Petitioner : M/s.Surya S, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.46 of 2023 on the file of respondent police

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 13.03.2023 for the offence under sections 147, 148, 341, 323, 302 and 506(2) of IPC in Crime No.46 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that there exists some dispute regarding construction of compound wall, hence all the accused persons wrongfully restrained the son of the defacto complainant, assaulted him with sickle and caused his death, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. There are totally three accused in this case and the petitioner herein is arrayed as A3. In so far as the petitioner herein is concerned she attacked the deceased with wooden log and other accused has attacked the deceased with knife. Taking into consideration the facts and submissions made by the learned counsels



and also the period of incarceration 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 No.II, Sivagangai and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of six weeks and thereafter as and when required for interrogation.

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

sd/-

08/06/2023

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/06/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON (WOMENS), MADURAI.
- 4 THE INSPECTOR OF POLICE SIVAGANGAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SURYA, Advocate (SR-8254[I] dated 08/06/2023)

ORDER IN

CRL OP(MD) No.10003 of 2023

Date :08/06/2023