



Crl.O.P.(MD) No.23589 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23589 of 2023

Parameswari

... Petitioner / 4th Accused

Vs

The State rep. by
The Inspector of Police,
Thenkarai Police Station,
Theni District
(Crime No.431 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,
Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

PRAYER: Criminal Original Petition filed under Section 439 the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail to a4 in Crime No.431 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2. The petitioner/A4 was arrested and remanded to judicial custody on 26.10.2023 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 302 of the Indian Penal Code, 1860 (Act No.45 of 1860) and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.431 of 2023 on the file of the respondent police.

3. The defacto complainant is the wife of the deceased. The case of the prosecution is that defacto complainant and the petitioner have previous enmity, that on 26.10.2023 at about 3.00 p.m., the second accused, in an inebriated condition, abused the defacto complainant in filthy language; that the husband of the defacto complainant who is the deceased has questioned the same and warned him; that later, on the same day, at about 6.30 p.m., all the accused persons abused the defacto complainant and her husband in filthy language and attacked the husband of the defacto complainant with iron rod and billhook due to which, he passed away and



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that they also attacked and caused injuries to the defacto complainant and defacto complainant's husband's brother. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and a false case has been foisted against her. He further submitted that the petitioner, being the wife of the accused, has been falsely implicated in this case and she is no way connected to the alleged occurrence. He further submitted that no specific overt act has been attributed as against the petitioner and that she is in custody since 26.10.2023. He therefore prayed to grant bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that all the accused persons brutally attacked the husband of the defacto complainant and caused his death. He further submitted that investigation is still pending. Accordingly, he prayed to dismiss this Criminal Original Petition. He further submitted that the defacto complainant was admitted in the hospital and discharged on the same day.

6. Heard on both sides. This Court has perused the records. The petitioner has deep roots in the Society and has permanent residence. Hence, there is less possibility of absconding.



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7. Considering the above reasons, the overt act of the petitioner in the alleged crime, the fact that the petitioner is a women and the period of incarceration, this Court does incline to grant bail, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) and furnish two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Periyakulam;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;



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(iv) The petitioner shall not either directly or indirectly cause any threat to the defacto complainant and witnesses;

(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

/ TRUE COPY /

29/12/2023
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.The Judicial Magistrate,
Periyakulam.

2.Do through the Chief Judicial Magistrate,
Theni District



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3.The Inspector of Police,
Thenkarai Police Station,
Theni District.

4.The Superintendent of Police,
Central Women Prison,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.23589 of 2023
Date :28/12/2023

RK (29/12/2023) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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