



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2505 of 2018

M.RASHIYA BEGAM

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
INAMKULATHUR POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.88 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.R.SREENIVASAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

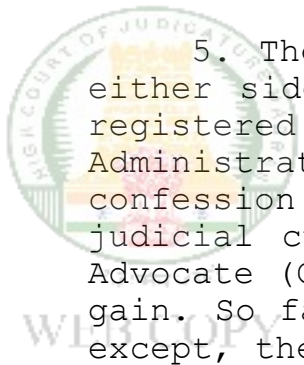
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 22.11.2017 for the alleged offences punishable under Section 302 of IPC., in Crime No.88 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.11.2017, on information, the Village Administrative Officer, Ammapatti, went to the occurrence place and found that the dead body of a woman with slab injuries was lying in the house of the petitioner. Thereafter, the Village Administrative Officer lodged a complaint. Hence, the case has been registered against the petitioner for the above said crime.

3. The learned counsel representing the petitioner submitted that the petitioner is an innocent person, she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the deceased was aged about 77 years and some injuries were found in the eye and neck of the dead body. He further submitted that it is a case of murder for gain. According to the prosecution, the investigation is in progress and one another accused is yet to be arrested.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that this case has been registered based on the complaint given by the Village Administrative Officer. Subsequently, based on the extra judicial confession given by the petitioner, she was arrested and remanded to judicial custody on 22.11.2017. Eventhough, the learned Government Advocate (Criminal side) represented that it is a case of murder for gain. So far, the offence has not been altered to any other offence except, the offence punishable under Section 302 of IPC. So, without any basic evidence, the learned Government Advocate (Criminal side) submits the above said submission. However, now, the petitioner is in judicial custody for the past 87 days. She is having a permanent residence. Moreover, she is the first offender. As per the evidence collected by the prosecution, the place, in which the offence was happened, belongs to the petitioner. Further more, the learned Government Advocate (Criminal side) fairly conceded that one another accused is yet to be arrested in this case. So, considering the period of incarceration, without any alternate, this Court is inclined to grant bail to the petitioner with some conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute 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 No.VI, Trichy;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., and 5.00 p.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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].

sd/-
16/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE,
INAMKULATHUR POLICE STATION, TRICHY DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.R.SREENIVASAN Advocate SR.No.2639

ORDER

IN

CRL OP(MD) No.2505 of 2018

Date :16/02/2018

MKV-RR-SAR 3/16.2.2018/3P-7C