



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.516 of 2018

PAPPATHI

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION,
(CRIME NO. 286/2017)
MADURAI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.THIRUPATHY Advocate

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

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

ORDER : The Court Made the following order :-

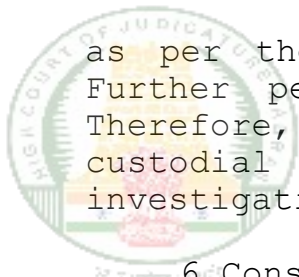
The petitioner / A1, who was arrested on 07.11.2017 for the offence punishable under Sections 294(b), 342, 506(i) and 302 IPC in Crime No.286 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein is the mother of the second accused. The second accused is the husband of the daughter of the deceased. Due to some dispute, the second accused caught hold the deceased in order to facilitate to stab the deceased by the petitioner herein and thereby murdered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 07.11.2017 onwards.

4.The learned Government Advocate (Crl.side) submitted that part of the investigation is completed.

5.Submissions made by the learned counsel on either side are considered. The petitioner herein remanded to the judicial custody on 07.11.2017 for the offence punishable under Sections 294(b), 342, 506(i) and 302 IPC. A2 in this case already released on bail. Now



as per the prosecution, part of the investigation is completed. Further petitioner is not having any previous bad antecedents. Therefore, considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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.V, Madurai;

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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/-

11/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
+1CC TO M/S.Mr.S.THIRUPATHY Advocate. SR NO.413
JAM/11/01/2018/PN/ SAR 2/ 2P-7C

ORDER

IN

CRL OP(MD) No.516 of 2018

Date : 11/01/2018