



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

Monday, the Seventeenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21776 of 2018

1 MUNIYASAMY
2 BALAMURUGAN

... PETITIONERS / ACCUSED
1 and 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT
Crime No.269/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.G.THALAIMUTHARASU Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 09.11.2018 for the offences punishable under Section 302 of IPC, in Crime No.269 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners are father and son. On 08.11.2018, one beggar lady's body was found in-front of the petitioners' house. On the complaint lodged by the defacto complainant/Village Administrative Officer and on suspicion as the petitioners killed the lady who was used to sleep in-front of their house every day and discrete human waste, the complaint was registered and the petitioners were arrested and remanded into judicial custody.

3.The first petitioner is said to have given a confession to the police. Based on which they were arrested. On the date of occurrence the first petitioner was in drunken mood. As per the confession, the deceased was a beggar lady and used to create nuisance to every one in that street. On 08.11.2018, the said lady lying down in-front of the petitioners' house. On seeing that



the first petitioner is said to have dropped a stone on the head and due to which she died. The second petitioner is said to have helped him.

4. It is submitted that initially the Village Administrative Officer had given the complaint to the respondent and thereafter on suspicion the petitioners were arrested and on the confession of the petitioner, the case of the prosecution was under viewed.

5. Admittedly, there is no eye witness to the occurrence. Moreover, the confession of the first petitioner is to the police. Considering the same, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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, Sattur, and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 am until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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].

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO II
SATTUR.

2. THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTOOR.

3. THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4. THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.G.THALAIMUTHARASU Advocate SR.No.23395

ORDER

IN

CRL OP(MD) No.21776 of 2018

Date :17/12/2018

TK/PN.AC/SAR-4/17.12.2018/3P/7C