



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

Tuesday, the Twenty Eighth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.15159 of 2018

S.ESWARI

... PETITIONER / ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE (L&O),
SRIRANGAM, TRICHY CITY,
TIRUCHIRAPPALLI

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.PRABHAKARAN Advocate

For Respondent : Mr.V.NEELAKANDAN Additional Public Prosecutor

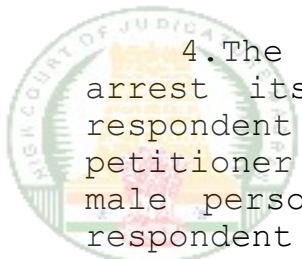
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 12.07.2018 for the offence punishable under Section 302 I.P.C, in Crime No.457 of 2018 on the file of the respondent police. She seeks bail.

2.The case of the prosecution is that on 11.07.2018, on information, the Village Administrative Officer visited the northern part of Kauveri River bed and found an unidentified male body was lying in a decomposed stage. Hence, a case has been registered for the offence under Section 302 I.P.C.

3.On 12.07.2018 at about 3.00 p.m, when the respondent police was on beat near at Eraniemman Temple to investigate the present case, the respondent intercepted two motorcycles, in which, the petitioner was caught by the respondent and three male persons were escaped and fled away from the hands of the respondent. On voluntary confession of the petitioner, the respondent found that on 08.07.2018, on instruction of the petitioner, three other accused persons had murdered the deceased and the body of the deceased was thrown out in the Kauveri river bed. The motive is that when the petitioner and the deceased were travelled from Trichy to Chennai, they had friendship with each other. Due to sexual exploitation, by mixing some medicine through cool drinks by the deceased and had sexual intercourse with the petitioner. Therefore, she instructed the other three male accused persons to kill him. Thereby, she was arrested on 12.07.2018 and remanded to judicial custody.



4.The learned counsel for the petitioner would submit that the arrest itself is an artificial one. Since 12.07.2018 when the respondent police intercepted the two wheeler motorcycle, the petitioner alone was caught hold by the respondent and other three male persons were escaped and fled away from the hands of the respondent police. Further, the dead body was found in a decomposed condition on 11.07.2018. Even from the confession of the petitioner, the injuries on the deceased body not corroborated by any other witnesses or material. Further, in the case of circumstantial evidence, the respondent police had connected the petitioner in this case. Except the confession statement of the petitioner, there is absolutely no other evidence or material to connect the petitioner in this case.

5.Further the learned counsel for the petitioner contended that the petitioner is aged about 20 years and she is very brilliant and she obtained very good marks, when she pursuing her studies at Chennai. The petitioner is in incarceration from 12.07.2018 onwards. Hence, he prays for grant of bail to the petitioner.

6.The learned Additional Public Prosecutor appearing for the respondent would submit that to connect the petitioner in this case, the telephonic call register has been produced and it reveals that on 06.07.2018 and 07.07.2018, the petitioner and the deceased had talked through their cell phones and also exchanged messages. Further, the dead body was in a decomposed stage and as such the case of the death could not be found out. Further, he stated that the petitioner instigated the other three male persons to commit the murder of the deceased. Hence, he vehemently opposed the grant of bail to the petitioner.

7.Considering all these aspects and also considering the period of incarceration of the petitioner, 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Trichy.

(ii)the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

sd/-
28/08/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO III, TRICHY

2. THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE (L&O),
SRIRANGAM, TRICHY CITY,
TIRUCHIRAPPALLI

4. THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, TRICHY.

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

+1. CC to Mr.G.PRABHAKARAN Advocate SR.No.16244

ORDER

IN

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Date :28/08/2018

TK/PN/SAR.4/28.08.2018/3P-7C