



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.20441 of 2018

VIMALA

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REPRESENTED BY.
THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
(IN CRIME NO. 106 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : Mr.S.CHANDRASEKAR Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested by the respondent police on 29.09.2018, for the offences punishable under Sections 302 and 380 of IPC., in Crime No.106 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Lavanya was murdered for gain on 28.08.2018. On investigation and on the confession of A2, the respondent Police found that the petitioner accompanied with A2 in facilitating the pledging of jewels of the said deceased Lavanya in a Pawnbroker shop.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has not committed any offence, as alleged by the prosecution and she was falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner, who is arrayed as A5, had facilitated in pledging of articles of the said deceased Lavanya in a Pawnbroker shop, by accompanying with A2. An Alteration report had been filed on 26.09.2018. The investigation in this case is almost over.



5. I have heard the learned counsels appearing on either side and perused the materials available on record.

6. Considering the above facts and circumstances of the case and also considering the fact that the petitioner admittedly was not at the scene of occurrence and she had only played the role in pledging the articles and the investigation is almost over and the petitioner is in judicial custody from 29.09.2018, this Court is inclined to grant bail to the petitioner, with certain condition;

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Thirumayam, and on further condition that:

[a] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[c] On breach of any of the aforesaid conditions, 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 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]**.

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

[f] The petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders, for interrogation.

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,
THIRUMAYAM.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI .



3 THE INSPECTOR OF POLICE
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE SUPERINTENDENT,
CENTREAL PRISON, TRICHY.

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

+1. CC to MR.P.GANAPATHI SUBRAMANIAN Advocate SR.No.23456

PS/PN-AC/SAR-1/18.12.2018/3P/7C

ORDER

IN

CRL OP (MD) No.20441 of 2018

Date :17/12/2018