



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.22988 of 2018

MURUGAYEE

... PETITIONER/ACCUSED No.7

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
VADAMATHURAI POLICE STATION,
DINDIGUL DISTRICT.
CRIME No.572/2018

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.P.GANAPATHI SUBRAMANIAN, ADVOCATE
FOR RESPONDENT : Mr.K.SUYAMBULINGA BHARATHI,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

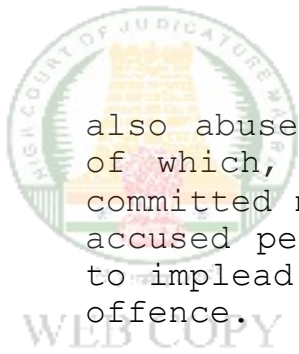
ORDER : The Court Made the following order :-

The petitioner/A7 is remanded to judicial custody in Crime No.572 of 2018 on the file of the respondent police for the offences punishable under Sections 147, 148, 302 and 506(ii) of IPC and she seeks bail.

2. The case of the prosecution is that on 13.11.2018 due to previous enmity, the *de facto* complainant's wife has been attacked by the petitioner along with other accused persons and as a result of which the wife of the *de facto* complainant died on the spot.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] for the respondent State.

4. According to the learned counsel for the petitioner, the petitioner herein is the mother of A1. It is submitted that the *de facto* complainant along with his wife came to the house of the petitioner and demanded money from the petitioner borrowed by A1 and



also abused the petitioner for non-payment of interest amount, out of which, A1, who is the son of the petitioner, got annoyed and committed murder of the wife of the *de facto* complainant along with accused persons. It is further submitted that there is no material to implead the petitioner as if she instigated her son to commit the offence.

5. The learned Government Advocate [Criminal Side] submitted that the petitioner was arrested on 16.11.2018. All the accused have already been arrested and the investigation of the case is almost over and the viscera report is awaited.

6. This Court has considered the submissions made by the learned counsel on either sides and perused the records carefully. From the records, it is seen that the *de facto* complainant being a money lender has asked the petitioner to repay the loan amount borrowed by A1 and since A1 was not at home, the *de facto* complainant along with his wife had instructed the petitioner to repay the amount in time. Having grudge over the same, on 13.11.2018, A1 contacted the *de facto* complainant's wife over phone and asked her to visit Thirukkan bus stop in order to receive the money. When the *de facto* complainant along with his wife came to the bus stop, the son of the petitioner/A1 along with the other accused alleged to have attacked the deceased with aruval and knife and she died on the spot. Thereafter, the accused was arrested on 16.11.2018 and remanded to judicial custody.

7. Considering the above facts and since there is no material to implead the petitioner as if she instigated her son to commit the offence, 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, Veda sandur and

(ii) the petitioner shall appear before the respondent police daily at 10:30 a.m. until further orders.

sd/-
27/12/2018

/ TRUE COPY /

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



1. THE JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
VADAMATHURAI POLICE STATION,
DINDIGUL DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, (WOMEN PRISON),
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No. 24064

ORDER

IN

CRL OP (MD) No.22988 of 2018

Date :27/12/2018

STS

TE/SKN/SAR-3 : 28/12/2018 : 3P/7C