



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.22867 of 2018**

1 MUTHURAJ

2 SETHURAJ

... PETITIONERS / ACCUSED No. 3,4

Vs

STATE THROUGH;  
INSPECTOR OF POLICE  
SATTUR TALUK POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO. 171 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : MR.G.MARIAPPAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners are remanded to judicial custody in Crime No.171 of 2017 on the file of the respondent police for the offences punishable under Sections 302, 380 IPC altered into 302 & 120-B IPC and they seek bail.

2.The case of the prosecution is that on 29.05.2017 the deceased viz., Suseela was found dead, with injuries, inside Ayyappan Spinning Mills Ltd. Her jewels were also found missing. Based on the complaint given by A1, who is the owner of the mill, a case in Crime No.171 of 2017 was originally registered on 29.05.2017 for the offence punishable under Sections 302 and 380 IPC. In the said Mill, totally there were 54 workers working and out of which, 24 were females and 30 were males. Among these workers, 11 female workers and 14 male workers were working as resident workers. Since the actual accused was not able to be traced, the workers of the said Mill were harassed. To that effect, some complaints before the Superintendent of Police have been lodged. In this context, the petitioners have been arrested on 13.12.2018. A knife has been recovered from A3 as if it has been used for committing such



offence. A1, who is the de facto complainant in this case, has initially set the law in motion. The occurrence had taken place one year and six months back and now the petitioners have been arrayed as accused.

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

4. The learned counsel for the petitioners had submitted that since the respondent Police is unable to fix the accused, they have roped the petitioners as accused and they have been harassed, for which, they have preferred complaints against the Police officials before the concerned authorities. They have also come forward with the plea that they are even ready for narco-analysis test and they have also filed a supporting affidavit to that effect.

5. The learned Government Advocate [Criminal Side] opposed for grant of bail and submitted that the investigation is almost completed.

6. Considering the fact that the occurrence had taken place one year and six months back and that almost all the witness have been examined and that the only piece of material as against the petitioners is the confession statement given by the co-accused and that the recovery of knife from A3, this Court is inclined to grant bail to the petitioners.

7. It is made clear that these observations made in this application are only for considering the bail and hence, these observations cannot be taken as a finding during the trial. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a separate 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.

(ii) the petitioners shall appear before the respondent police as and when required;

sd/-  
27/12/2018

/ 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 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

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

4 THE OFFICER IN- CHARGE  
DISTRICT JAIL, VIRUDHUNAGAR

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

+2. CC to MR.G.MARIAPPAN Advocate SR.No. 24044

ORDER

IN

CRL OP(MD) No.22867 of 2018

Date :27/12/2018

MSI/VR/SAR-I/27.12.2018-3P/8C