



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1041 of 2019

1 MUTHU

2 JONES

... PETITIONERS / ACCUSED
No.1 and 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SINDUPATTY POLICE STATION,
MADURAI DISTRICT
Crime No.212/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.MITHUN CHAKRAVARTHI Advocate

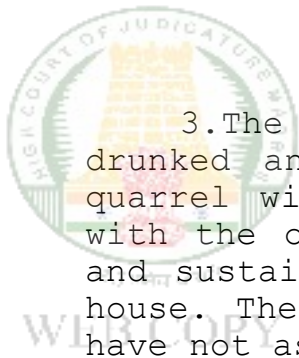
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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 13.11.2018 for the offences punishable under Sections 302 and 201 of IPC, in Crime No.212 of 2018, on the file of the respondent police, seek bail.

2.The petitioners are the accused Nos.1 & 2, who are the wife and brother-in-law of the deceased. The case of the prosecution is that the defacto complainant, who is the mother of the deceased, had given a complaint stating that her son was a drunkard used to make quarrel and assault his wife daily. On 12.11.2018 at about 6.30 p.m., there was a quarrel in the house of the deceased, which normally happens and hence, she did not consider the same. Thereafter, the father of the deceased had seen his deceased son in a drowsy state and therefore, 108 Ambulance was called and admitted in the Government Hospital, Usilampatti and thereafter, he was admitted in Government Rajaji Hospital, Madurai since his condition was bad, here he passed away on 13.11.2018 at 7.40 p.m., Later, the defacto complainant was informed that the petitioners had assaulted the deceased and administered poison and hence, she had given a complaint.



3. The contention of the petitioners is that the deceased was a drunkard and was of no use to the family and he was picking up quarrel with his wife often. On 12.11.2018 he had some quarrel with the others in a field and there he was assaulted by somebody and sustained injuries and swelling wounds and he had come to his house. Thereafter he was taken to the hospital and the petitioners have not assaulted the deceased and administered any poison.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the investigation is completed and the charge-sheet is to be filed. On a perusal of the FIR it is seen that the deceased was administered poison by the petitioners inside the house and in the Accident Register, the occurrence had taken place in the field.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

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

[a] the petitioners shall report before the respondent police daily at 10.30 am till the completion of the committal proceedings.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE
SINDUPATTY POLICE STATION,
MADURAI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5. THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.

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

+1. CC to Mr.A.MITHUN CHAKRAVARTHI Advocate SR.No.1254

ORDER

IN

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Date :24/01/2019

TK/VR/SAR-2/24.01.2019/3P/7C