



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1141 of 2019

1.PITCHAIMANI
2 PALANIYAMMAL

... PETITIONER / ACCUSED Nos.2 & 3

Vs

THE STATE REPRESENTED BY
MANAPPARAI POLICE STATION,
TRICHY DISTRICT,
(CRIME NO.3/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.D.BALAMURUGAPANDI Advocate

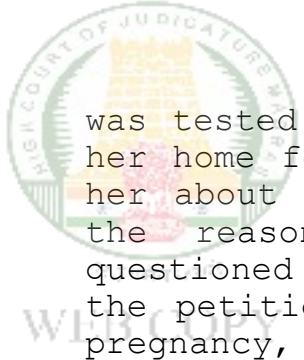
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 05.01.2019 for the offences punishable under Section 174 Cr.P.C @ 306 of IPC Crime No.3 of 2019 on the file of the respondent police and seeks bail.

2. The petitioners herein are the parents of one Annavi. The case of the prosecution is that the deceased Dhanalakshmi who is the first year student was staying in hostel at Karur. The said Dhanalakshmi's mother Ramayee was married 18 years before with one Murugan and out of their wedlock she become pregnant and during seven months of her pregnancy, the said Murugan left her. Thereafter Ramayee was taken care by the petitioners who are brother and sister-in-law of the Ramayee. She had given birth to a child. Thereafter Ramayee and her daughter Dhanalakshmi was staying at Manapparai and subsequently moved to Trichy. The deceased Dhanalakshmi had joined the college in Karur and the first petitioner being the guardian of the said Dhanalakshmi and she often used to visit her uncle's house. Thereafter she had developed love affair with the petitioners son Annavi and they have physical relationship. During vacation the deceased Dhanalakshmi had gone to her mother's house where her mother made her to join in a Mill at Vedasanthur and on one such day, the deceased fell down and when she



was tested she was found pregnant and her mother had taken back to her home four days prior to 05.01.2019 and when she had questioned her about the same, the deceased had stated that said Annavi was the reason for her pregnancy. When the defacto complainant questioned the same with regard to the same to the petitioners, the petitioners stated that their son is not the reason for her pregnancy, therefore on 05.01.2019 the defacto complainant had questioned the deceased and left home for grazing her cattle. At about 4.00p.m she received a message that her daughter had poured kerosene and set fire herself, by the time the defacto complainant came to the scene of occurrence and saw her daughter with burn injuries and died in the spot.

3. The learned counsel for the petitioner would submit that the first petitioner is the maternal uncle of the deceased and the second petitioner is the wife of the first petitioner and they have been taking care of the fatherless child with love and affection and they have no reason to doubt the relationship of the deceased Dhanalakshmi with their son and they were not aware of about their love affair. In fact the petitioners went to attend the funeral function of the deceased Dhanalakshmi, the respondent police have arrested the petitioners.

4. The learned Government Advocate(Crl.Side) would submit that the investigation in this case is almost over.

5. Considering the above facts and circumstances and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate, Manapparai, Trichy District and on further condition that:

[a] the first petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the petitioner shall not abscond 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 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]**.



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

sd/-
25/01/2019

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
4. THE OFFICER INCHARGE,
DISTRICT JAIL, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.D.BALAMURUGAPANDI Advocate SR.No.1388

ORDER
IN
CRL OP (MD) No.1141 of 2019
Date : 25/01/2019

AE/DS/SAR3/25.01.2019/3P/7C