



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1483 of 2019

S.ALAGARSAMY

... PETITIONER / ACCUSED- 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.340/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.KARUNANIDHI, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/A2 who was arrested and remanded to judicial custody since 07.12.2018 for the offences punishable under Section 174 Cr.P.C., altered to Sections 120(B) & 302 IPC in Crime No.340 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1 is the wife of the deceased and she had illegal intimacy with A2. In order to finish the life of the deceased, A1 and A2 added poison in the food of the deceased and the deceased died due to the poison and thereafter, the deceased was buried, for which, the respondent police registered a case against the petitioner. From the investigation, it is seen that A1 and A2 had committed the above said offence and subsequently, the case was altered into Sections 120 (B) and 302 IPC against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and for the past 61 days he is in judicial custody and there is no illegal intimacy between A1 and A2. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.



4.The learned Additional Public Prosecutor would submit that based on the advice of the petitioner, A1 added the poison in the food, for which, the deceased was dead. Hence, he vehemently opposed for granting bail to the petitioner and the offence committed by the petitioner herein is heinous one and any leniency shows in favour of the petitioner, it will amount to encourage the corrupt people.

5.Considering the facts and circumstances of the case and considering the nature of the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/02/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
2. THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.KARUNANIDHI Advocate SR.No.2574

ORDER
IN
CRL OP(MD) No.1483 of 2019
Date :06/02/2019

MS/PN/SAR-1/14.02.2019/2P.5C