



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1617 of 2019

THIRUKALYANI @ KALYANI

... PETITIONER / ACCUSED NO.6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.240 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MAYA PERUMAL, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

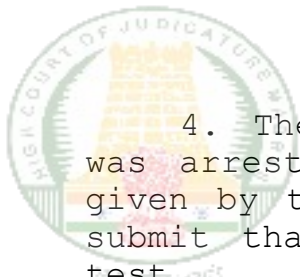
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 29.11.2018 for the offences punishable under Sections 302, 201 of IPC in Crime No.240 of 2016, on the file of the respondent police, seeks bail.

2. There are totally seven accused in this case. The petitioner here in is A6. The case of the prosecution is that the deceased and A1 are husband and wife. Initially FIR has been registered in the year 2017 as 'Man Missing' on the complaint of A1, who is the wife of the deceased. Initially A2 was arrested in this case and based on the confession given by this accused other accused were arrested. A2 is the wife of the deceased paramour of A1 and due to illicit relationship between A1, A2 they tried to plan and kill the deceased and murdered him and buried the dead body.

3. The learned counsel for the petitioner would submit that he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner's name does not find place in the First Information Report. He would also submit that he had been asked to spray insecticide around the burial place in order to avoid the dog or animals not to dig up the burial ground. He would also submit that the petitioner has not taken part in the commission of offence.



4. The learned Government Advocate(Crl.Side) would submit A2 was arrested in this case and based on the confession statement given by this accused, other accused were arrested. He would also submit that investigation is almost completed and sent for DNA test.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, 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 learned Judicial Magistrate No.II, Virudhunagar and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner 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 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 229A IPC.

sd/-

01/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.S.MAYA PERUMAL Advocate SR.No.2051

ORDER IN

CRL OP(MD) No.1617 of 2019

Date :01/02/2019