



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2348 of 2019

MUTHULAKSHMI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.240/2016

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.ANANDAKUMAR 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, who was arrested and remanded to judicial custody since 01.12.2018 for the offence punishable under Section Man Missing @ 302, 404, 201, 120(b) of IPC in Cr.No.240 of 2016, on the file of the respondent police, seeks bail.

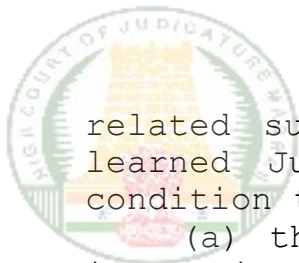
2.The case of the prosecution is that the petitioner is A2. The petitioner is the wife of the deceased. She developed illegal intimacy with A1 and in order to continue the illegal intimacy, she along with A1 murdered her husband. Hence, the case was registered by the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submits that based on the confession of A1, the petitioner has been implicated in this case and she is entitled for statutory bail under Section 161 (2) of Cr.P.C. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor would submit that the investigation is completed and since the petitioner is entitled to statutory bail, the charge sheet has not been filed till date.

5.Considering the facts and circumstances of the case and since the petitioner is entitled for statutory bail and considering 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, of whom, one should be a blood



related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

28/02/2019

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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 AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL FOR WOMEN, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANANDA KUMAR, Advocate SR-3966

ORDER

IN

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Date :28/02/2019