



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

Monday, the Eighteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2451 of 2019

KANNAGI

... PETITIONER / ACCUSED NO.6

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SETHUBAVACHATRAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.2/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.MA.KARUNANITHI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

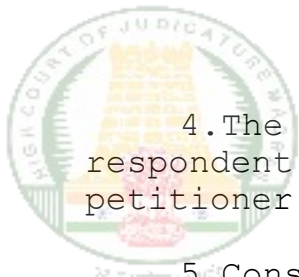
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 04.01.2019 for the offences punishable under Sections 341, 120(b), 147, 148, 201, 302 and 109 IPC in Crime No.02 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused, namely, Usha Rani is the wife of the deceased's elder brother. There was a property dispute between the two families, for which the first accused engaged the fourth accused, who is the husband of the petitioner herein for committing murder. After committing murder, the specific allegation against the petitioner / A6 is that she has handed over the new dress to the fourth accused, enabling him to change the blood stained shirts, for which the Law Enforcing Agency implicated the present accused for the above said case.

3.The learned counsel for the petitioner would submit that the petitioner / A6 did not commit any offence as alleged by the prosecution and she is not available at the scene of occurrence and her name is not mentioned in the First Information Report. After confession of the fourth accused, she is implicated in this case.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is pending and the petitioner's name is not found in the First Information Report.

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 her 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, Pattukottai, Thanjavur District 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 learned Judicial Magistrate, Pattukottai, Thanjavur District, 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 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]**; and;

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

sd/-

18/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
SETHUBAVACHAI RAM POLICE STATION,
THANJAVUR DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, (WOMEN CELL),
TRICHY.

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

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-3250[I] dated 18/02/2019)

ORDER

IN

CRL OP(MD) No.2451 of 2019

Date :18/02/2019

JM/PN/SAR 4/18.02.2019/3P/7C