



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

Friday, the First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3172 of 2019

1 USHA @ USHARANI

2 SIVA @ SIVANANDAM

... PETITIONERS / ACCUSED RANK NOT KNOWN

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 petitioners, who were arrested and remanded to judicial custody from 09.01.2019 and 03.01.2019 respectively, for the offences punishable under Sections 341, 120(b), 147, 148, 201, 302 and 109 of IPC in Crime No.2 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a civil dispute between the first petitioner/A9 and her brother in law. In order to succeed in that suit, the first petitioner engaged the second petitioner/A1 who is the friend of one Anbarasan/A4. Accordingly, the other accused person conspired together and committed murder of the A1's brother-in-law. Therefore, the de-facto complainant registered a complaint against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He also submits that due to previous enmity, the petitioners have been falsely implicated in this case and Co-accused were enlarged on bail by this Court in Crl.O.P.(MD) No.2451 of 2019, dated 18.02.2019. Accordingly, he prayed for bail.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is almost completed and final report is also filed before the Court concerned in P.R.C.No.9 of 2019.

5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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, Pattukkottai, Thanjavur District, 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 petitioners shall report before the learned Judicial Magistrate, Pattukkottai, Thanjavur District daily at 10.30 a.m. until the case is committed to the Sessions Court.

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

(d) the petitioners 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/-

01/03/2019

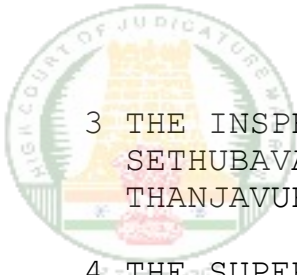
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THANJORE AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE,
SETHUBAVACHATRAM POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-4067[I] dated 01/03/2019)

ORDER

IN

CRL OP (MD) No.3172 of 2019

Date :01/03/2019

JM/VR/SAR 2/01.03.2019/3P/7C