

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7346 of 2019

SELVARANI

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT
Crime No.170 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.BANUMATHY Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, was arrested and remanded to judicial custody on 11.04.2019 for the offences punishable under Section 294(b), 342, 302 of IPC, in Crime No.170 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute, the petitioner is said to have attacked the defacto complainant's son with deadly weapon and committed the murder. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. She further submitted that the petitioner is in judicial custody from 11.04.2019. Hence, she prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation of the case is almost completed and viscera report is yet to be received for filing charge sheet.

5.The submissions made by the learned counsel appearing on either side are considered.

6.The alleged offence had happened only due to the money transaction. Admittedly, the petitioner is the first offender and she is in judicial custody from 11.04.2019. The learned Government Advocate (criminal side) fairly conceded that a portion of the investigation has been completed. Hence, further detention of the petitioner is not necessary for completing investigation. Considering the above facts and circumstances of the case, particularly on considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi, Pudukkottai District.

[ii] the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioner shall stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, Madurai, daily at 10.00 a.m. until further orders.

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

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

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
29/05/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3.THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT

4.THE INSEPCTOR OF POLICE
TALLAKULAM POLICE STATION, MADURAI.

5.THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.

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

+1. CC to M/S.A.BANUMATHY Advocate SR.No.8817

ORDER
IN
CRL OP(MD) No.7346 of 2019
Date :29/05/2019

TK/MMS/SAR-4/30.05.2019/3P/8C

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