

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10710 of 2019

1. T.Amutha
2. N.Tamilmaran

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Uppiliyapuram Police Station
Tiruchirappalli District.
Ref.Crime No.122 / 2019

... Respondent/Complainant

For Petitioner : M/s.D.Shanmugaraja Sethupathi, Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 122 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-2 & 3 seeking bail for the alleged offence under Sections 302 r/w 201 IPC.

2. Heard both sides.

3.The case of the prosecution is that A1 is having illegal contact with A2 and when they were in compromising position, the deceased, who is aged about 68 years old lady, has seen the said occurrence and hence, the petitioners have caused death to the deceased by strangulating her and thereafter, they thrown the body in the well. With regard to the said incident, a case was registered for the offence under Section 174 Cr.P.C., and during the investigation, the first petitioner appeared before the Village Administrative Officer and gave an extra judicial confession admitting the offence and hence, the petitioners were arrested on 03.06.2019 and remanded to the judicial custody.

4.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in the custody for the past 62 days and by this time, investigation might have been completed and hence he prayed for grant of bail to the petitioners.

5.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioners have committed murder of 68 years old lady and thrown the body into a well and if the petitioners are released on bail, they may tamper with the evidence and therefore, he strongly opposed this petition.

6.Taking into consideration of the fact that originally the case was registered under Section 174 Cr.P.C., and only based on the extra judicial confession said to have given by A1 before the Village Administrative Officer, these petitioners have been implicated in the above case and also the fact that petitioners are in custody from 03.06.2019 and by this time a major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioners with certain conditions.

[a] the petitioners are 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 Judicial Magistrate, Thuraiyur, Tiruchirappalli District.

[b] the petitioners shall report before the respondent police, daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/08/2019

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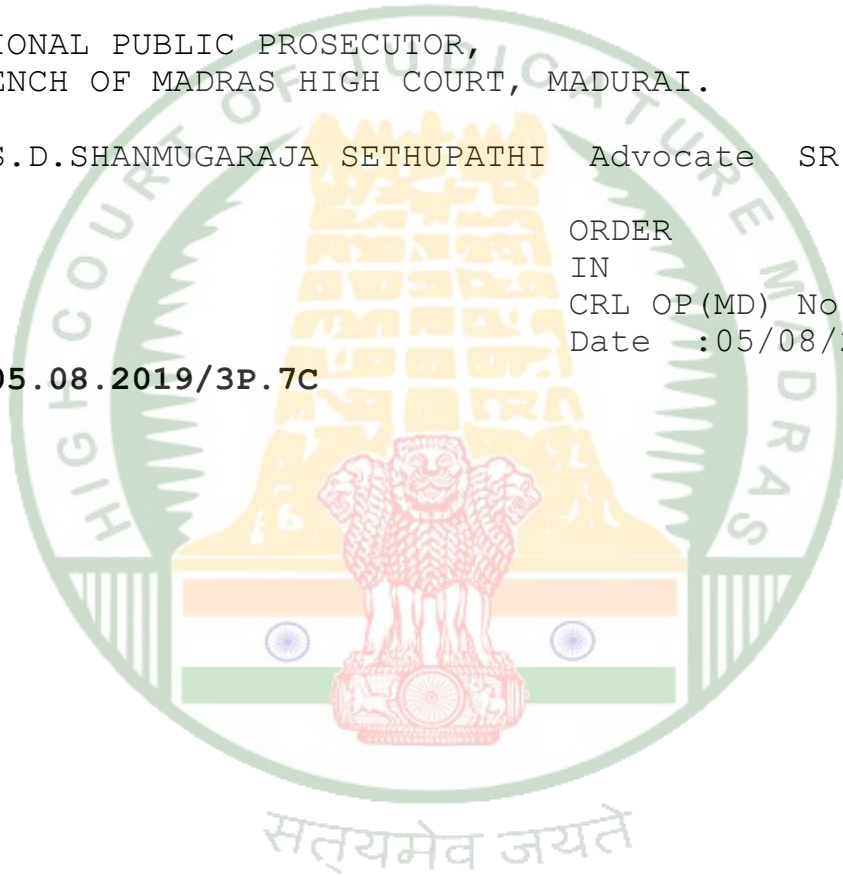
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THURAIYUR,
TIRUCHIRAPPALLI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
 4. THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION, TIRUCHIRAPPALLI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.SHANMUGARAJA SETHUPATHI Advocate SR.No.12855

ORDER
IN
CRL OP(MD) No.10710 of 2019
Date :05/08/2019

MS/VR/SAR-4/05.08.2019/3P.7C



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