



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10674 of 2019

J.Anusuya

... Petitioner/Accused No.2

Vs

The State rep by
The Inspector of Police,
Alanganallur Police Station,
Madurai.
Crime No.209/2019

... Respondent/Complainant

For Petitioner : M/s.M.Sankar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For bail in Cr.No.209/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 147,148,341,307 IPC @ 147, 148, 341, 302 IPC @ 120(B),147,148,341,336 and 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner herein. He further submitted that the petitioner herein along with her six months old baby namely Sanjana was arrested and remanded to judicial custody on 03.06.2019 and he is in custody for the past 52 days. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that prior to the said occurrence on 01.11.2018, A1 in this case namely Abirami who is none other than the mother of the petitioner has lodged a complaint that some persons have attempted to murder her husband who is the deceased in this case and investigation in that case is going on. Subsequently on 31.05.2019 this occurrence had happened and on the date of occurrence, A1 had lodged this complainant stating that some persons came in an auto and attacked the deceased with weapons and he was admitted in the hospital and subsequently succumbed to the injuries. On 02.06.2019, A1 voluntarily surrendered before the Village Administrative Officer and gave an extra judicial confession stating that she engaged four persons for committing the murder of her husband as he gave sex torture to her and her daughter (petitioner herein) and accordingly the hooligans committed murder of her husband. He further submitted that the petitioner also gave money for engaging hooligans and hence he strongly opposed this petition.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner herein (A2) is the daughter of A1 born through first husband and subsequently A1 got married the deceased and thereafter the deceased gave sexual torture to the petitioner herein and also the fact that except the confession statement of A1 and A3, no other materials has been produced by the prosecution implicating the petitioner herein and also the fact the petitioner is in custody for the past 52 days this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner along with her six months old baby namely Sanjana 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 each for a like sum to the satisfaction of the Judicial Magistrate, Vadipatti.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

[d] the petitioner 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 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].



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

WEB COPY

sd/-
29/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
VADIPATTI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION, MADURAI.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.SANKAR Advocate SR.No.12408

ORDER
IN
CRL OP(MD) No.10674 of 2019
Date : 29/07/2019

aav
TK/PN/SAR.3/29.07.2019/3P/7C