



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 09/08/2019  
PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11006 of 2019

1. M.Abirami,  
2. D. Balamurugan, ... Petitioners/Accused No.1&3

Vs

The State rep by  
The Inspector of Police,  
Alanganallur Police Station,  
Madurai.

Suryakala

... Respondent/Complainant  
...Intervener/Third Party in Crl.M.P  
(MD)No.6994 of 2019

For Petitioners : M/s.R.Kannan,  
Advocate.  
For Respondent : Mr.V.Neelakandan,  
Government Advocate (Crl.Side  
For Intervenor :Mr.R.Amarnath Advocate

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

PRAYER :-

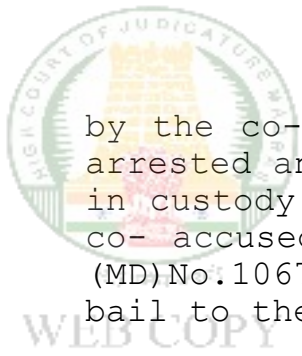
For Bail in Crime No. 209 of 2019 on the file of the  
Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.1  
and 3 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 petitioners would submit that  
the first petitioner is the second wife of the deceased and the  
second petitioner is the relative of the first petitioner. He  
further submitted that petitioners are innocents and they have been  
falsely implicated in the above case, based on the confession given



by the co-accused. He further submitted that the petitioners were arrested and remanded to judicial custody on 03.06.2019 and they are in custody for the past 67 days. He further submitted that already co-accused in this case was granted bail by this Court in Crl.O.P (MD)No.10674 of 2019 on 29.07.2019. Therefore he prayed to grant bail to the petitioners.

4. The learned counsel for the intervenor/defacto complainant would submit that the intervenor is the daughter of the deceased. He further submitted that the wife of the deceased already died and hence the first petitioner developed illegal intimacy with the deceased and with a view to grab the properties of the deceased, she engaged hooligans and attempted to murder the deceased on 01.11.2018, but the deceased survived with injuries and with regard to the said occurrence a case was registered in Crime No.333 of 2018 on the file of the respondent police under Sections 341 and 307 of IPC. He further submitted that since the deceased escaped from the previous attack, on 31.05.2019 the first petitioner engaged other accused persons to commit murder and hence it is a murder for gain. Therefore he opposed to grant bail to the petitioners.

5. The learned Additional Public Prosecutor adopted the arguments advanced by the learned counsel for the intervenor/defato complainant. He further submitted that the first petitioner appeared before the Village Administrative officer and gave an extra judicial confession admitting the aforesaid crime and therefore he opposed this petition.

6. Taking into consideration of the fact that the first petitioner has appeared before the Village Administrative Officer and gave an extra judicial confession admitting the offence and also the submission made by the learned counsel for the intervenor that only with a view to grab the properties, the first petitioner has engaged hooligans and attempted to commit murder on 01.11.2018 and thereafter on 31.05.2019 as second time she engaged hooligans and committed the murder and also the submission made by the learned Additional Public Prosecutor that investigation is not yet completed, this Court is not inclined to grant bail to the petitioner.

7. Hence this petition is dismissed.

sd/-  
09/08/2019

/ TRUE COPY /

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



TO

WEB COPY

- 1 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 2 THE INSPECTOR OF POLICE  
ALANGANALLUR POLICE STATION, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.AMARNATH Advocate SR.No.13339

ORDER  
IN  
CRL OP(MD) No.11006 of 2019  
Date :09/08/2019

KM/PN/SAR-III (21.08.2019) 3P 5C