



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.1017 of 2020

1. Chithra
2. Lakshmi

... Petitioners/Accused Nos. 4 & 5

Vs

The State rep.by
The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
(In Crime No.143/2019).

... Respondent/Complainant

For Petitioners : M/s. P. Banuprasath,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 143/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are in custody since 08.11.2019, for the offences under Sections 147, 148, 302, 120(b) and 201 of I.P.C., in Crime No.143 of 2019, on the file of the respondent police. Hence, they seek bail.



3. The case against the petitioners rests on extra judicial confession. It appears that the motive for the occurrence is the friction that arose between the first petitioner and the deceased. The first petitioner is a married lady. She had left her husband and according to the prosecution there was intimacy between the first petitioner and the deceased. The first petitioner thereafter wanted to leave the deceased. Of course the petitioners' counsel would dispute the prosecution version and come out with his own version. At the instance of the first petitioner, the murder had taken place. The head of the deceased was dropped into a well while the body was removed and dropped in a quarry site. The manner in which the body had been disposed of post occurrence is rather gruesome.

4. The second petitioner is the wife of A1 and she is only said to have accompanied the accused in disposing of the body of the deceased. Since the primary allegations are only against the first petitioner, I am inclined to grant bail to the second petitioner while denying relief to the first petitioner.

5. In view of the above, I am inclined to enlarge the second petitioner on bail with certain conditions. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions;

(i) the second petitioner shall execute 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 No.I, Tuticorin.

(ii) the second petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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].

sd/-
23/01/2020

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



TO

1. The Judicial Magistrate No.I, Tuticorin.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Superintendent,
Central Prison For Woman,
Kokkirakulam, Tirunelveli.
4. The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-1270[I] 23/01/2020)

ORDER IN
CRL OP(MD) No.1017 of 2020
Date : 23/01/2020

IAS
SDS(23.01.2020) 3P-7C