



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/01/2020

PRESENT

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

WEB COPY

CRL OP(MD) . No.1443 of 2020

1. Sakthivel,

2. Muthukani @ Muthukaniraj, ... Petitioners/Accused Nos. 2 & 3

Vs

State Represented 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 : Mrs.M.Ananthadevi,
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 punishable 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. They seek bail.

3. The deceased was giving sexual torture to Chitra who is A4 in this case. Chitra wanted to do away with the deceased, she had enlisted the services of the petitioners herein.



4.The petitioners are not having any previous case. Investigation appears to be substantially over.

5.The learned Government Advocate (Crl.side) would state that final report has not been filed so far because the head was severed and it was placed elsewhere. The task of superimposition is not yet over.

6.Since all the relevant witnesses have been examined, the petitioner's continued incarceration is not going to serve any purpose. Hence, bail is granted. The petitioners shall appear before the respondent daily in the evening at 06.00 p.m.,

7.The petitioner's counsel gives an undertaking, on instructions, that the petitioners will continue to abide by this condition and not apply for relaxation or modification of the same till the case is committed to the Sessions Court.

8. Putting the petitioners on such terms, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tuticorin.

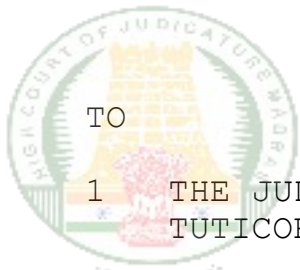
(ii) the petitioners shall appear before the respondent daily in the evening at 06.00 p.m., till the case is committed to the Sessions Court.

(iii) 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].

sd/-
31/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.I,
TUTICORIN.

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUPERINTENDENT,
DISTRICT PRISON, PALAYAMKOTTAI.

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-2053 dated 31/01/2020)

ORDER

IN

CRL OP(MD) No.1443 of 2020

Date :31/01/2020

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ES/VR/SAR 4/31.01.2020/3P/7C