



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/02/2020

PRESENT

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

CRL OP(MD). No.3903 of 2020

1. M.Maria Luckas
2. M.Vimala

... Petitioners/Accused No.3 & 4

Vs

State Rep.by
The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
Crime No.51 of 2020.

... Respondent/Complainant

For Petitioners : M/s.S.Malaikaani,
Advocate.

For Respondent : Mrs.M.Ananathadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.51 of 2020 on the file of the Respondent Police.

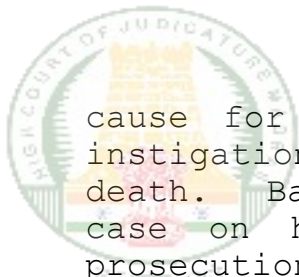
ORDER : The Court made the following order :-

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 in since 10.02.2020 for the offences under Section 174 of Cr.P.C. @ into Sections 302, 203 and 109 of I.P.C. in Crime No.51 of 2020 on the file of the respondent police. Hence, they seek bail.

3. It is an unfortunate case. 11 month baby was drowned to death.

4. The case of the prosecution is that A1 was having illicit intimacy with A2 as well as Rajesh, who is shown as A5 in this case. The marriage between the A1 and A2 was solemnized and a child/Vikash was also born. A2 to A4 entered a suspicion that child/Vikash is not the biological child of A2 and that of A5/Rajesh. This is the



cause for marital discord between A1 and A2. Therefore, under instigation from A2 to A4, A1 is said to have drowned the child to death. Based on the extra judicial confession of A1 and A2, the case on hand came to be registered. Even according to the prosecution, the petitioners herein had not committed the crime as such.

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4. Therefore, their continued incarceration is not going to serve any purpose, 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 Judicial Magistrate No.II, Virudhunagar.

(ii) the petitioners are 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 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/-

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.
4. THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN, MADURAI.
5. THE INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.MALAIKAANI Advocate SR.No.4420

ORDER IN

CRL OP(MD) No.3903 of 2020

Date :28/02/2020