



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7396 of 2020

S.Tamil Selvi

... Petitioner/Accused No.4

Vs

The State Rep. by
The Inspector of Police,
Muthiapuram Police Station,
Thoothukudi, Tuticorin District
Cr No.287/2020.

... Respondent/Complainant

For Petitioner : M/s.Ka.Raamakrishnan, Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

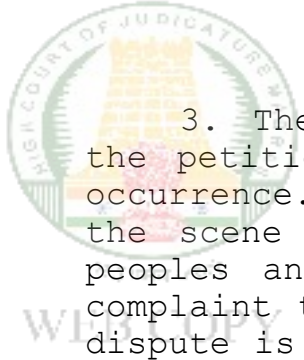
PRAYER :-

For Bail in Crime No.287 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 29.06.2020 for the alleged offences under Sections 452,302 and 109 of IPC.

2. There are totally five accused in this case. The petitioner herein is arrayed as A4. The deceased is the husband of the petitioner. The case of the prosecution is that earlier A5 in this case who is the mother -in -law of the deceased has given a piece of land to the deceased for constructing a house therein and received some amount. Thereafter A1 in this case who is son of A5 had demanded more money, therefore there was quarrel between the parties. It is also stated that the deceased in this case requested A4 and A5 to execute sale deed in his favour for the above said property. Prior to the date of occurrence there was quarrel between the deceased and A1 and on the same day night A1 along with A2 and A3 went to the house of the deceased and indiscriminately attacked him with a sword and other weapons and caused his death. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is a lady and she has played no role in the said occurrence. He would submit that the petitioner is not present in the scene of occurrence and she only informed the same to other peoples and based on the same the defacto complainant has given complaint to the respondent police. He would also submit that the dispute is between the A1 and the deceased, since she being the wife of the deceased she has been falsely implicated in the above case. He would also submit that the petitioner is in jail for more than 50 days, hence she may be granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is the wife of the deceased and she only instigated A1 to A3 to commit the murder of the deceased in a property dispute. Confession of A1 also clearly reveals the role of the petitioner that she also actively participated in the murder.

5. From the perusal of the First Information Report and the other materials available on record, it is seen that there is a civil dispute between A1 and the deceased in respect of a property given by A5 in favour of the deceased and she has also received some amount. Due to that quarrel on the date of occurrence only A1 to A3 said to attacked the deceased with deadly weapons and caused his death and the petitioner herein only implicated with the aid of 109 of IPC. It is also seen that the petitioner herein only informed about the incident to others and only based on the same, the defacto complainant has given complaint. Except the confession of A1 no other materials has been produced to implicate the petitioner herein in the above said crime.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that investigation is almost completed and taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thoothukudi, Thoothukudi District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

<https://hcservices.ecourts.gov.in/hcservices/> iii) the petitioner shall not tamper with evidence or witness.



iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.II,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
MUTHIAPURAM POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
KOKARAKULAM SUB JAIL, KOKARAKULAM,
TIRUNELVELI DISTRICT.

ORDER IN
CRL OP(MD) No.7396 of 2020
Date :19/08/2020