



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

Date : 08/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10998 of 2020

1. PALANIYAMMAL
2. KALIDOSS

... PETITIONERS/ACCUSED 2, 4

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT
CRIME NO.866 OF 2020.

... RESPONDENT/COMPLAINANT

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

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.866 of 2020 on the file of the Respondent Police

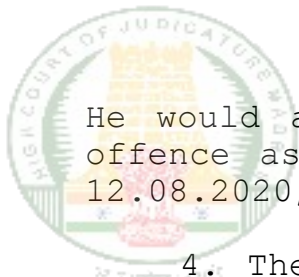
ORDER : The Court made the following order :-

The petitioner/A2 and A4 , who were arrested and remanded to judicial custody on 12.08.2020 for the offences punishable under Sections 174(3) Cr.P.C @ 342,302,201,120(B) of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that on 08.08.2020 the defacto complainant found the body of the deceased and thereafter came to understand that the family members of the deceased murdered the deceased for the reason that they are unable to maintain the deceased. Hence the complaint.

3.The learned counsel for the petitioners would submit that the first, third and fourth accused are the grand son and daughter of the deceased and the second accused is the relative of A1 and A2.

<https://hccservices.courts.mca.gov.in/hccservices/>



He would also submit that the petitioners have not committed any offence as alleged by the prosecution and they were in jail from 12.08.2020, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are four accused in this case and the petitioners herein are A2 and A4. He would also submit that due to Covid-19 pandemic situation the petitioners are unable to take care of the deceased who is aged about 75 years, for which they have strangulated the deceased by hanging her and caused her death.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 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].

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

sd/-
08/10/2020

/ TRUE COPY /

/ /2020
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,
THIRUMANGALAM, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON, MADURAI.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10998 of 2020
Date :08/10/2020

AAV
JM/PN/SAR III/08.10.2020/3P/7C