



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2020

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PRESENT

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

CRL OP(MD). No.11119 of 2020

1. Antony Anantharuban
2. Vijaya
3. Francis Xevier

... Petitioners/Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
Thoogur Police Station,
Thanjavur District.
Crime No.158 of 2020.

... Respondent/Complainant

For Petitioners : M/s.R.Mathiyalagan,
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.158 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners herein were arrested on 14.07.2020 for the alleged offences under Sections 302 and 201 of IPC.

2. The petitioners herein are arrayed as A1 to A3 The deceased is the father of the first petitioner and the husband of the second petitioner. The case of the prosecution there was a property dispute between the deceased and the petitioners herein due to which on the date of occurrence A1 said to have attacked the deceased in his head and caused injuries. Thereafter all the accused took the deceased to the nearby house left the deceased there. On the next day morning the petitioners herein informed the relatives about the death of the deceased and tried to cremate the body as if the death is a natural death. After hearing the same, the Village Administrative Officer rushed to the spot and given a complaint to the respondent police. Thereafter the body was taken to hospital



and post mortem was conducted, in which it is clearly stated that there was serious fracture injuries in the skull. Subsequently the petitioners were arrested and confessed that they only committed the murder.

3. The learned counsel for the petitioner would submit that this the second bail petition and the earlier bail petition was dismissed by this Court on 16.09.2020. He would also submit that the deceased is a drunkard and he consumed alcohol and fall down from the cot and sustained injuries on his head. After coming to know about this the petitioners immediately took him to hospital where he was declared dead. After informing the same to the relatives they took steps to cremate the body and they have not taken steps to screen the evidence and it is only a natural death.

4. The learned Government Advocate (Crl.Side) would submit that from the Post Mortem Certificate it could be seen that the deceased sustained three fractures in the head and the due to the fatal injuries in the vital parts he might have died. The petitioner might have murdered because of the civil dispute. He would also submit that the investigation is still pending.

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

6. Accordingly, the second petitioner is ordered to be released on bail on her 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, Thiruvaiyaru.

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 second petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the second petitioner shall not tamper with evidence or witness.

iv) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail. 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.

7. Since the offence committed by the first and the third petitioner are heinous, this Court is not inclined to grant bail to the petitioner. Hence the petition against A1 and A3 stands dismissed.

sd/-

09/10/2020

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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, THIRUVAIYARU.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, PUDUKKOTTAI PRISON, PUDUKKOTTAI.
4. THE OFFICER INCHARGE, WOMEN PRISON, MARKET ROAD, TRICHIRAPPALLI.
5. THE INSPECTOR OF POLICE, THOOGUR POLICE STATION, THANJAVUR DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11119 of 2020

Date : 09/10/2020

MS/PN/SAR-4/09.10.2020/3P.7C