



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

Date : 14/10/2020

PRESENT

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

CRL OP(MD) . No.11320 of 2020

Alagar

... Petitioner/Accused No.1

Vs

State Rep.by,
The Inspector of Police,
Kulathur Police Station ,
Thoothukudi District.
Crime No.46 of 2019.

... Respondent/Complainant

For Petitioner : M/s.R.Murugan,
Advocate.

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

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

PRAYER :-

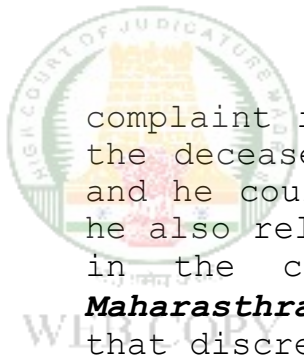
For Bail in Crime No. 46 of 2020 on the file of the Respondent Police

ORDER :The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 04.07.2019 for the offences punishable under Section 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner's daughter fell in love with one Solairaj and they got married on 16.04.2019, for which the petitioner and his relatives said to have threatened the defacto complainant. On 03.07.2019 when the defacto complainant was sleeping in her neighbor house the said Solairaj and his wife were sleeping in their house, at about 4.00 a.m., on 04.07.2019 the petitioner attacked his own daughter and son-in-law with billhooks, due to which they succumbed to injuries.

3. The learned counsel for the petitioner would submit that the petitioner being the father of the deceased would not kill her own daughter. Further he submitted that the defacto complainant during the night time could have seen the face of the petitioner since the



complaint itself shows that the petitioner and others have attacked the deceased. Therefore presumption is in favour of the petitioner and he could not be imprisoned for ever. In support of contention he also relied upon the order passed by the Honourable Supreme Court in the case of **Siddharam Satlingappa Mhetre -vs- State of Maharashtra** and others, **reported in 2011(1)SCC 694**, and contended that discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the Court is of the considered view that the accused has joined investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. He would also submit that now the respondent police has completed investigation and also filed final report and the same has been taken cognizance in Spl.S.C.No.291 of 2019 on the file of the II Additional District Judge, Thoothukudi and it is pending trial. Hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that it is case of honour killing. The petitioner's daughter fell in love with one Solairaj and they got married on 16.04.2019. Both of them belong to Scheduled Caste community but different wing. Therefore on 04.07.2019 at about 4.00 a.m., the petitioner herein attacked his own daughter and son-in-law with bill hooks and they both succumbed to injuries. Infact at the time of occurrence the daughter of the defacto complainant was 2 month pregnant. He would also submit that earlier the petitioner was detained under Act.14 of 1982 and subsequently the detention order was quashed by this Court. He would also submit that now the respondent police has completed investigation and also filed final report and the same has been taken cognizance in Spl.S.C.No.291 of 2019 on the file of the II Additional District Judge, Thoothukudi and it is pending trial

5. It is a case of 'Honour Killing ' The first deceased is the daughter of the petitioner and the second deceased is the son-in-law of the petitioner. The daughter of the petitioner fell in love with one Solairaj and they both got married and they were living in their house. The petitioner herein went to their house on 03.07.2019 and on 04.07.2019 at about 4.00 a.m., the petitioner herein attacked his own daughter and son-in-law with bill hooks, thereafter they succumbed to injuries. Both the deceased belong to Scheduled Caste Community but different Being aggrieved by the same, the petitioner intended to kill both of them and murdered his own daughter and son-in-law. The judgment relied on by the learned counsel for the petitioner is also not applicable to the present case on hand, since it is a case of honour killing. Further the petitioner was detained under Act.14 of 1982 and subsequently the detention order was quashed by this Court. At this stage this Court is not inclined to grant bail to the petitioner.



6. Hence this petition stands dismissed.

sd/-
14/10/2020

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/ /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 SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI
2. THE INSPECTOR OF POLICE
KULATHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11320 of 2020
Date :14/10/2020

AAV
PK/JC/SAR-4/19.10.2020 : 3P/4C