



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.11376 of 2020

1. Balamani
2. Sumaer

... Petitioners/Accused No.A2 to A3

Vs

State Rep.by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.793/2020)

... Respondent/Complainant

For Petitioners: Mr.Veera Kathiravan, Senior counsel
for M/s.Veera Associates, 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. 793 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 01.08.2020 for the offences punishable under Sections 174(3) of Cr.P.C @ sections 120(b), 302,342 of IPC on the file of the respondent police seeks bail.

2.The body of the deceased was found. Initially a case was registered under Section 174 of Cr.P.C and after the extra judicial confession before the Village Administrative Officer the offence was altered to offence under Sections 120(b), 302,342 of IPC. According to the confession of the first accused the deceased is none other than her husband. Due to domestic quarrel between the first accused and the deceased she with the help of the petitioners herein decided to kill her husband. Therefore on 31.07.2020 the first accused administered sleeping pills with the chicken gravy to



the deceased. After consuming the same the deceased while sleeping the first accused strangled the deceased with shoe lace with the help of the petitioners herein.

3.The learned Senior Counsel for the petitioner would submit that there are three accused in this case and the petitioners herein are arrayed as A2 and A3. The second accused is the maternal aunt of the first accused and the third accused is the son of the second accused. Even according to the prosecution the first accused intended to kill her husband with the help of the petitioners herein and on the date of occurrence the first accused administered sleeping pills along with chicken gravy to the deceased and while the deceased was sleeping the first accused strangled the deceased with shoe lace by covering his face with polythene cover. The second and third accused help the first accused murdered the deceased.

4. The learned Government Advocate(Crl.Side) would submit that initially a case was registered under Section 174 Cr.P.C and subsequently it has been altered to Sections 120(b), 302,342 of IPC, in which the petitioners are arrayed as A2 and A3. Due to domestic quarrel between the first accused and the deceased the first accused decided to murder him in his house and with the help of the petitioners herein and the first accused strangled the deceased with shoe lace by covering his face with a polythene bag and due to respiratory problem he died.

5. There are three accused in this case and the petitioners are arrayed as A2 and A3. The first petitioner is the maternal aunt of the first accused and the second petitioner is the son of the first petitioner. According to the case of prosecution first accused had domestic quarrel with her husband, due to which she decided to murder her own husband and with the help of the petitioners herein on 30.07.2020 the first accused administered sleeping pills along with chicken gravy to the deceased and during his deep sleep the first accused strangled him with the help of shoe lace by covering his face. According to the case of prosecution A2 and A3 caught hold of the hands and legs of the deceased and murdered him and when the first accused administered sleeping pills to the deceased that there is no possibility for the petitioners to help the first accused to murder the deceased. Further only A1 administered sleeping pills to the deceased and strangled with shoe lace.

6. 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 petitioner subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on <https://hcservices.com/online-services/> executing a bond for a sum of Rs.10,000/- (Rupees Ten



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

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

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].

sd/-

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

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-6998[I] dated 14/10/2020)

ORDER IN

CRL OP (MD) No.11376 of 2020

Date : 14/10/2020