



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

Date : 16/10/2020

PRESENT

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

CRL OP(MD). No.11564 of 2020

1. Meena
2. Yashika
3. Ananthi
4. Naganathan
5. Rajagopal

... Petitioners/Accused No.4 to 8

Vs

State Rep. by
The Inspector of Police,
Kabistalam Police Station,
Thanjavur District
(Crime No. 786 of 2020).

... Respondent/Complainant

For Petitioners : M/s.N.Mohideen Basha,
Advocate.

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

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

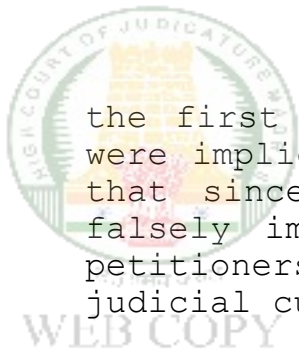
PRAYER :- For Bail in Crime No. 786 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A4 to A8 , who were arrested and remanded to judicial custody on 08.09.2020 for the offences punishable under Sections 147, 148, 149, 341, 342,120(B) and 302 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that A1 in this case is the own brother of the deceased. Due to property dispute between A1 and the deceased A1 conspired with other accused persons namely the petitioners herein and engaged other hirelings namely namely A2, A3 and A9 to murdered the deceased and hence on the date of occurrence A2, A3 and A9 attacked the deceased with aruval as such he sustained injuries and died.

3.The learned counsel for the petitioners would submit that the
<https://hcservices.judges.org.in/hcservices/> arrayed as A4 to A8 and they are close relatives of



the first accused. Even according to the case of prosecution they were implicated as accused only on conspiracy. He would also submit that since the petitioners are relatives of A1, they have been falsely implicated in this case. He would also submit that the petitioners were arrested on 06.09.2020 and they were still in judicial custody.

4. The learned Government Advocate(Crl.Side) would submit that there are totally 13 accused in this case and the petitioners herein are A4 to A8. The first petitioner is the wife of A2, second petitioner is the sister-in-law of A1, third petitioner is the mother-in-law of A1, fourth petitioner is the father-in-law of A1 and the fifth petitioner is the father of A1. Due to property dispute between the first accused and the deceased, the first accused conspired with other family members and engaged A2, A3 and A9 to murder the deceased. He would also submit that investigation is still pending.

5. It is seen that there are 13 accused in this case in which the petitioners are as A4 to A8. Admittedly the petitioners are close relatives and family members of the first accused. There is a property dispute between the deceased and A1. Infact the father of the deceased was implicated as an accused in this case. According to the case of prosecution the petitioners herein conspired together with the first accused and engaged other hirelings to murder the deceased.

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 petitioners subject to the following conditions:

7. 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, Papanasam

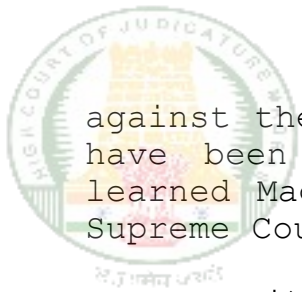
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

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 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/-

16/10/2020

/ 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,
PAPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
KABISTALAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, TRICHY.
- 5 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.7092

ORDER

IN

CRL OP(MD) No.11564 of 2020

Date :16/10/2020

AAV

<https://hcmvce.org.in/Record/16.10.2020/3P/8C>