



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

Date : 29/10/2020

PRESENT

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

CRL OP(MD). No.11666 of 2020

Latha

... Petitioner/Accused No.6

Vs

State Rep. by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District
In Crime No. 1111/2020.

... Respondent/Complainant

For Petitioner : M/s.M.Jothi Basu,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

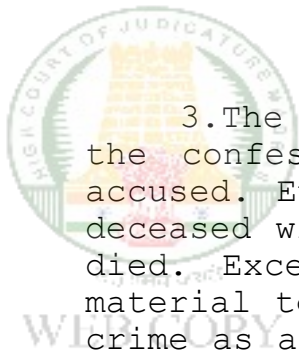
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 1111 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 07.09.2020 for the offences punishable under Sections 302 of IPC @ 147, 148, 120(b), 366, 342, 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the deceased had illegal intimacy with one Ramathilagam and the said Ramathilagam had got share of the property owned by her grand mother namely Solaiammal by way of Will. The sixth accused is also one of the legal heir of the said Solaiammal and there was a dispute in respect of their share through Will executed by Solaiammal. Therefore the sixth accused namely the petitioner herein engaged the fifth accused to do away Ramathilagam and in turn A1 to A4 attacked the deceased with knife, due to which she sustained grievous injuries and died.



3.The learned counsel for the petitioner would submit that only the confession of A5 this petitioner has been implicated as an accused. Even according to prosecution A1 to A4 only attacked the deceased with deadly weapons and as such she sustained injuries and died. Except the confession statement of co-accused there is no material to available on record to connect the petitioner with the crime as alleged by the prosecution. He further submitted that the petitioner is a women and she was in jail for more than 50 days, hence she may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally six accused in this case and the petitioner herein is arrayed as A6. On the confession statement of the co-accused she has been implicated as an accused. He would also submit that the petitioner herein is the master mind behind the entire crime since she has property dispute with the deceased and as such she engaged fifth accused who is an advocate and he in turn engaged A1 to A4 to do away the life of the deceased and she also paid some money to the fifth accused to murder the deceased.

5. It is seen that there are totally six accused in this case and the petitioner herein is arrayed as A6. According to the case of prosecution the sixth accused and the deceased are legal heirs of one Solaiammal and as such she executed Will in favour of the deceased and the petitioner herein and in respect of sharing their property there was a dispute and as such the petitioner has motive to do away the life of Ramathilagam. Therefore she approached as advocate namely A5, who in turn engaged A1 to A4 and murdered the deceased. Insofar as this petitioner is concerned she has been implicated on the confession of the co-accused. According to the confession statement the petitioner paid some money to the fifth accused to engage A1 to A4 to do away the life of 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 petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi.

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



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

iv) the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

29/10/2020

/ 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 NO.II,
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-7198[I] dated 29/10/2020)

ORDER

IN

CRL OP(MD) No.11666 of 2020

Date :29/10/2020

AAV

<https://hcmvscs.cba.gov.in/fcserver/10.2020/3P/7C>