



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

Date : 28/10/2020

PRESENT

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

CRL OP(MD). No.12020 of 2020

R.Titus ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
Crime No.1194 of 2020

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate.

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

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

PRAYER :-

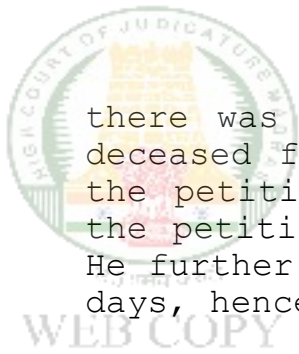
For a Bail in Crime No.1194 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 15.08.2020 for the offences punishable under Sections 294(b), 448 and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the deceased was residing next to the house of the petitioner herein. When the accused wife delivered her third child, the petitioner herein directed to deceased to take care of the other two children and when the deceased refused to take care of the children there was a wordy quarrel between them and as such the petitioner abused the deceased with filthy language and also strangulated her, due to which she sustained injuries and died.

3.The learned counsel for the petitioner would submit that both the petitioner and the deceased are close relatives and there is no evidence to the said occurrence. Before the date of occurrence



there was a wordy quarrel between the petitioner's family and the deceased family in respect of taking care of the children born to the petitioner and his wife and there is absolutely no motive for the petitioner to murder the deceased, who is aged about 65 years. He further submitted that the petitioner is in jail for more than 75 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there was a wordy quarrel between the petitioner and the deceased in respect of taking care of the children, due to which the petitioner abused the deceased and also strangled her, in which she sustained injuries and died.

5. It is seen that the petitioner and the deceased are close relatives and when the petitioner's wife delivered the third child the petitioner asked the deceased to take of other two children also, in which there was a dispute between them due to which the petitioner abused the deceased and also strangled the deceased aged about 65 years, in which she sustained injuries and died. The petitioner is in jail for more than 75 days.

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 his 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, Madurai

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 10.00 a.m and 5.00 pm., 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/-
28/10/2020

WEB COPY

/ 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, MADURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12020 of 2020
Date :28/10/2020

AAV
TK/VR/SAR.3/28.10.2020/3P/6C