



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

Date : 04/12/2020

PRESENT

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

CRL OP(MD). No.14084 of 2020

Latcham @ Lakshmanamoorthi

... Petitioner/Accused No.5

Vs

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

... Respondent/Complainant

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

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

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

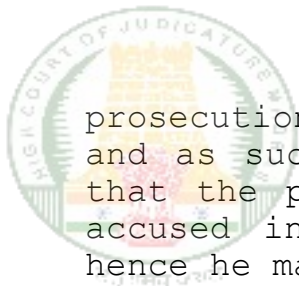
PRAYER :- For Bail in Crime No. 1111 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 02.10.2020 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 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 the
<https://hcservices.in/hcservices/a> practising Advocate and even according to



prosecution A1 to A4 only attacked the deceased with deadly weapons and as such she sustained injuries and died. He further submitted that the petitioner is in jail for more than 50 days and the co-accused in this case namely A6 was granted bail by this Court, hence he may be granted bail.

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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 A5. He would also submit that the petitioner herein is the master mind behind the entire crime since sixth accused had property dispute with the deceased and as such she engaged the petitioner herein who is an advocate and he in turn engaged A1 to A4 to do away the life of the deceased and the sixth accused also paid some money to the petitioner herein to murder the deceased.

5. It is seen that there are totally six accused in this case and the petitioner herein is arrayed as A5. 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 6th accused and in respect of sharing their property there was a dispute and as such the 6th accused has motive to do away the life of Ramathilagam. Therefore she approached as advocate namely A5/ petitioner herein, who in turn engaged A1 to A4 and murdered the deceased. According to the confession statement the 6th accused paid some money to the fifth accused to engage A1 to A4 to do away the life of the deceased. It is also stated that A6 in this case was granted bail by this Court.

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:

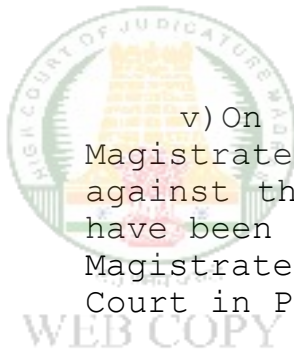
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi.

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 stay at Trichy and report before the Cantonment Police Station 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/-

04/12/2020

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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 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, MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.G.M.LAW OFFICE, SR.No. 7933

COPY TO:

THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY.

ORDER

IN

CRL OP(MD) No.14084 of 2020

Date :04/12/2020

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<https://hcmjce.s3.amazonaws.com/obj/12.2020/3P/8C>