



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

Date : 08/12/2020

PRESENT

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

CRL OP(MD).No.14310 of 2020

Muthupandi

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
Crime No.2045 of 2020

... Respondent/Complainant

For Petitioner : Ms.M.Benazir Begum, Advocate.

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

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

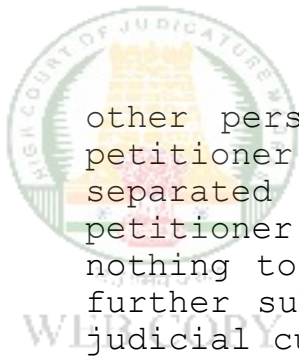
PRAYER :- For Bail in Crime No.2045 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 14.09.2020 for the alleged offence under Section 302 IPC.

2. The case of the prosecution is that the first accused got married with the deceased aged about 18 years on 13.10.2020. Thereafter the first accused suspected her fidelity since she always used to speak to others through her cell phone and she used to call so many persons through phone and as such A1 and A2 had attacked the deceased and immediately, the deceased was taken by A2 to the scene of occurrence. Thereafter all the accused have attacked her with deadly weapon, due to which she sustained grievous injuries and died.

3. The learned counsel for the petitioner would submit that when the deceased was minor she fell in love with the petitioner and thereafter even without completing one year the petitioner married the victim girl. For these occurrence there is no eye witness and only on the strength of confession statement this accused was roped in in this case. She further submitted that the deceased had been in contact with the other persons and as such he suspected the



other persons also. In fact, there was a dispute between the petitioner and the deceased, since she was minor and they got separated and she stayed in her parents house. Thereafter the petitioner has been falsely implicated in this case and he has nothing to do with the offence as alleged by the prosecution. She further submitted that the petitioner was arrested and remanded to judicial custody on 14.09.2020, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally three accused in which the petitioner is arrayed as A1. A2 and A3 were already arrested and released on bail. Insofar as this petitioner is concerned he got married with the deceased and thereafter he suspected the fidelity of the deceased and he setup A2 and A3 as if A2 fell in love with the deceased and called her and also directed her to present in the scene of occurrence and all the accused attacked her with deadly weapons. Therefore, the petitioner herein murdered his own wife only for suspecting her fidelity and the investigation is completed and yet to file a final report.

5.It is seen that there are totally three accused, in which the petitioner arrayed as A1. Admittedly, the petitioner got married with the deceased even before attaining majority. Thereafter he suspected her fidelity of the deceased and as such there was a wordy quarrel between them. Further there is no eye witness for their occurrence. There are witness for the case and there are some witnesses who have seen the accused persons after occurrence and the respondent police completed the investigation and yet to file a final report.

6. Taking note of the above facts and circumstances of the case 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 related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Peraiyur.

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 and 5.00 p.m for a period of four weeks and thereafter 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/-

08/12/2020

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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, PERAIYUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, MELUR.
4. THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY.

ORDER

IN

CRL OP(MD) No.14310 of 2020

Date : 08/12/2020

MS/PN/SAR-4/08.12.2020/3P.7C

<https://hcservices.ecourts.gov.in/hcservices/>