



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19227 of 2019

Karuppasamy ... Petitioner/Accused rank not known

Vs

State, represented by the Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi District,
(In Crime No.290/2019). ... Respondent/Complainant

For Petitioner : M/s.K.Navaneetharaja,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail petition in Cr.No.290 of 2019 on the file of the respondent.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 12.11.2019 for the offence punishable under section 174 @ 302 of I.P.C., in Crime No.290 of 2019 on the file of the respondent police. He seeks bail.

3.The defacto complainant is the husband of the victim. The victim Kavitha was found dead in her house when the house was opened in the morning of 10.11.2019.



4.The case of the defacto complainant is that dispute arose between him and his wife Kavitha and that, on 09.11.2019, the petitioner was engaged to shift the articles from their house to another house at Vivekananthar Housing Board. The defacto complainant is said to have informed his wife that he would come back the next day morning. When he returned on the next day morning, the door was locked from inside. He took assistance from neighbors and removed the door. He found the victim dead lying on the floor with burn injuries. A Can containing kerosene was found nearby. Based on the complaint of the husband of the victim, Crime No.290 of 2019 was registered under Section 174 of Cr.P.C. Later, on investigation, the alleged involvement of the petitioner came to light and the case was altered to one under Section 302 of IPC.

5.The learned Government Advocate (Crl.side) states that the confession of the petitioner indicates that there was intimacy between him and Kavitha and that, on the occurrence night, when they were together, he had assaulted her causing her to fall unconscious. Thinking that she is dead, the petitioner is said to have set fire to her.

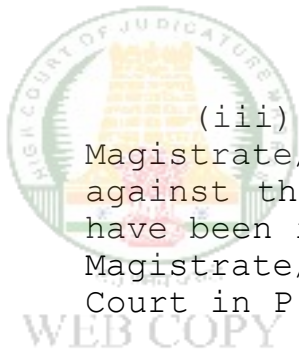
6.But then, as pointed out by the learned counsel appearing for the petitioner, the door was locked from inside even according to the defacto complainant. There is nothing on record to indicate that there was a back entry. It is not known as to how the petitioner could have escaped from the spot after locking the house from inside. Investigation is totally silent. In response to repeated queries, the instructing official, SSI, is unable to come forth with any explanation. Investigation appears to be substantially over. Therefore, the continued incarceration of the petitioner is not going to serve any purpose. Hence, bail is granted.

7.The learned Government Advocate (Crl.side) would further point out that the call data detail reveals that it was from the petitioner the last call came.

8. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Thoothukudi.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.



(iii) 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].

sd/-
06/01/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.
- 2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-277 dated 07/01/2020)

ORDER
IN
CRL OP(MD) No.19227 of 2019
Date :06/01/2020

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