

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.54 and 56 of 2021

Latha Rani ... Petitioner in Crl.O.P.No.54 /2021

Revathi Rani ... Petitioner in Crl.O.P.No.56 /2021

Vs.

The State Rep. by  
The Inspector of Police,  
Bazaar Police Station,  
Coimbatore City,  
Coimbatore District.  
(Crime No.975 of 2020) ... Respondent in both Crl.O.Ps.

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.975 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. D.Selvaraju  
in both Crl.O.Ps.

For Respondent : Mr.M. Prabavathi,  
in both Crl.O.Ps APP

C O M M O N O R D E R

(The case has been heard through video conference)

Petitioner in both the petitions were arrested on 12.10.2020 and remanded to judicial custody on 13.10.2020 for the offence punishable under Section 120(B), 302 and 380 of IPC in Crime No.975 of 2020, seeks bail.

2. Totally there are 6 accused in this case and the petitioners are A6 and A5 respectively. The case of the prosecution is that on 30.09.2020, the deceased, who was residing alone, was murdered by A1 to A4 by giving poisonous substance. They have also stabbed her with knife and stolen more than 500 grams of gold and money from the deceased house. The allegation against the petitioners is that since the husband of A5 was admitted in the hospital and they are in need of money, they had only instigated A1, who is their brother, to commit murder of the deceased and stolen the jewel and cash from her. The petitioners are said to have taken photographs of the house of the deceased in a mobile phone and handed over the same to A1 for committing crime. Hence, a case has been registered against the

3. The learned counsel for the petitioners would submit that the petitioners are only sisters of A1. Even according to the prosecution, A1 to A4 had committed the murder. The petitioners have been implicated in this case based on the confession given by A1 and the only allegation against the petitioners is that they have given the details about the house of the deceased. Apart from that, there is no specific allegation attributed against them. He would further submit that the A3 and A4 were released on bail by the Court below. He would also submit that all the stolen properties have been recovered from A1 to A4. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of murder for gain. These petitioners are sisters of A1 and they had only instigated A1 to commit murder. Only on their instruction, A1 has committed the heinous crime of murder and also robbery. She would further submit that these petitioners are main accused in the crime. If they are released on bail, there is a likelihood of tampering the witnesses. Hence, she vehemently opposed to grant bail to the petitioners.

5. Mr. Ponraj, learned counsel appearing for the intervenor/de-facto complainant would submit that it is a case of murder for gain and the deceased is 62 years old lady. The petitioners are friends of the deceased. Taking advantage of the fact that the deceased is living alone, the petitioners planned to murder her and executed it through their brother/A1 for the purpose of getting money from the deceased. Now, only part of the stolen properties have been recovered. If the petitioners are released on bail, they will definitely tamper the witnesses. He would also submit that now the de-facto complainant is taking steps to file a petition to cancel the bail granted to A3 and A4 in CrI.O.P.Nos.3489 of 2020, dated 04.01.2021 and 48 of 2021, dated 08.01.2021. Hence, he opposed to grant bail to the petitioners.

6. I have considered the rival submissions and perused the materials available on records carefully.

7. No doubt, it is a case of murder for gain. From the materials placed before this Court, it could be seen that the overtact is attributed against A1 to A4 in the murder. Only based on the confession of A1, these petitioners were implicated, stating that they have also conspired along with A1 to A4 for committing the crime. That apart, now, it is also stated that co-accused in this case have been released on bail by the Court below. More over, investigation in this case is also over and final report has also been filed and the matter is pending for committal, and stolen properties have also been recovered only from A1 to A4.

8. Considering the said facts and circumstances of the case and the fact that the final report has been filed and co-accused in this case have been released on bail and also the fact that stolen properties have also been recovered from A1 to A4, also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Coimbatore and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioners 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, both the Criminal Original Petitions are ordered.

-sd/-

22/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.V,  
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON (WOMEN),  
COIMBATORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

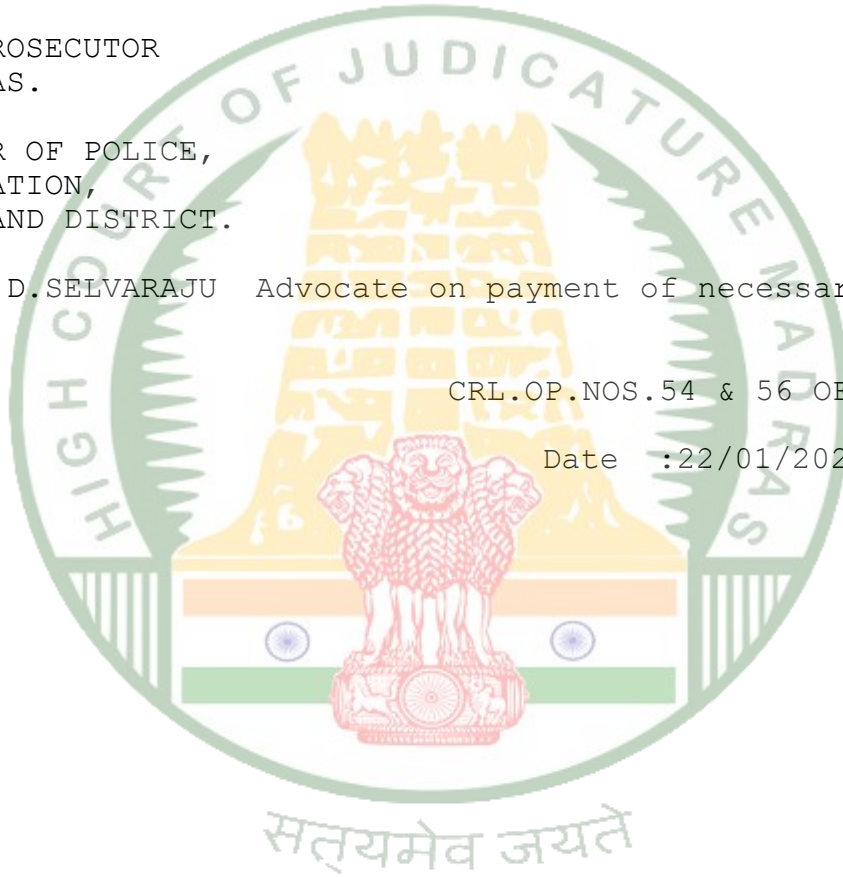
5 THE INSPECTOR OF POLICE,  
BAZAAR POLICE STATION,  
COIMBATORE CITY AND DISTRICT.

+1CC to M/S.D.SELVARAJU Advocate on payment of necessary charges  
SR NOS.714, 715

CRL.OP.NOS.54 & 56 OF 2021

Date :22/01/2021

MK:25/01/2021



WEB COPY