



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2391 of 2021

Murali

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thogur Police Station,
Thanjavur District.
Crime No.222 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,
Advocate.

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

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

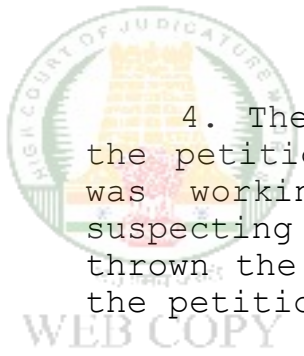
PRAYER :- For Bail in Crime No.222 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 17.12.2020 for the offences punishable under Sections 174(3) of Cr.P.C @ 294(b), 302 and 201 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 10.11.2020 the dead body of the deceased was found in the river. Initially a complaint was lodged by the Village Administrative Officer of Koviladi Village and a case was registered under Section 174(3) of Cr.P.C and subsequently altered to Sections 294(b), 302 and 201 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would also submit that the got married in the year 2010 and they were blessed with one female child and there is no motive for him to commit the murder of his own wife. He further submitted that the petitioner is in jail for more than 50 days, hence he may be granted



4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein is the husband of the deceased and deceased was working as a nurse at Kumbakonam. The petitioner herein suspecting the fidelity of his wife attacked her with hammer and thrown the body into the river. Hence he objected to grant bail to the petitioner.

5. It is seen that the occurrence is said to have taken place on 06.11.2020 and the body of the deceased was found by the Village Administrative Officer on 10.11.2020. Thereafter he lodged a complaint before the respondent police and the petitioner surrendered and gave statements. The marriage between the petitioner and the deceased was solemnized in the year 2010 and they were blessed with a seven years old female child. The deceased was in friendly terms with many persons and normally used to speak with others over phone, which was objected by the petitioner, due to which there was a quarrel, in which the petitioner attacked the deceased and thrown the body into the river bed. The daughter of the petitioner and the deceased, is now under the care and custody of the petitioner's sister. Only based on the the extra judicial confession of the petitioner the petitioner has been arrested and except the same no other materials are available to implicate the petitioner herein, and confession was recorded after the registration of the First Information Report.

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 related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.

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 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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 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/-

16/02/2021

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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, THIRUVAIYARU.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.
4. THE INSPECTOR OF POLICE,
THOGUR POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2391 of 2021

Date :16/02/2021

AAV

MS/VR/SAR-2/16.02.2021/3P.6C