



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

Date : 15/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3246 of 2021

Muthumari ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Crime No.1292/2020.

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

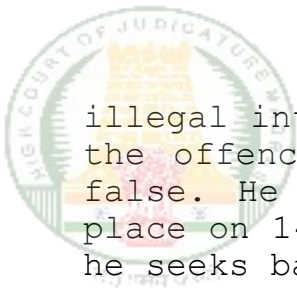
For Bail in Crime No. 1292/2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 05.02.2021 for the offences punishable under Sections 174 Cr.P.C @ 302,201 of IPC on the file of the respondent police in Crime No.1292 of 2020 seeks bail.

2.The case of the prosecution is that on 14.06.2020 a male body with half burnt injuries was found near tamarind thopu at Edayankulam. Initially case was registered under Section 174 of Cr.P.C and after investigation the case has been altered to Sections 302 and 201 of IPC. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against her. He would also submit that both the deceased and the petitioner herein got married and out of their wedlock they are blessed with two children. He would also submit that the respondent police had arrested the petitioner on the ground that the petitioner is having



illegal intimacy with A1 and both of them have planned and committed the offence, which is not correct and this allegation is entirely false. He would further submit that for the occurrence that took place on 14.06.2020 the petitioner was arrested on 05.02.2021, hence he seeks bail.

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4. The learned Government Advocate(Crl.Side) would submit that the case has been initially registered under Section 174 of Cr.P.C and during investigation the dead body was found with the resemblance of the husband of the petitioner, DNA test was conducted and found that the deceased is the husband of the petitioner. He further submitted that the petitioner and A1 having illegal intimacy and due to the same the first accused said to have attacked the deceased and caused his death.

5. It is seen that the petitioner herein is the wife of the deceased and they were blessed with two children. On 12.06.2020 the marriage of the first daughter had taken place and they both attended the marriage. Thereafter on 14.06.2020 half burnt body was found in the brick kiln and DNA confirms that it is body of the husband of the petitioner and thereafter the petitioner was arrested on the reason that the petitioner had objected the illegal relationship with A2 and due to that he was done away. Further in the marriage before two days they both participated happily and there is no dispute among themselves. It is a case of circumstantial evidence.

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:

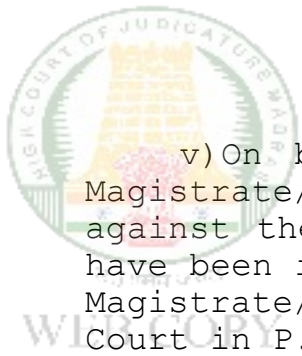
7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.

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 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/-
15/03/2021

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/ /2021
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,
UTHAMAPALAYAM, THENI DISTRICT.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
 4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.C.JEGANATHAN, Advocate (SR-2109[I] dated 15/03/2021)

ORDER
IN
CRL OP(MD) No.3246 of 2021
Date :15/03/2021

AAV

<https://hccrvtce0001a.gov.in/hccrvtce0001a.gov.in/3246of2021/3P/7C>