



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

Date : 21/06/2021

PRESENT

The Hon'ble Mr. Justice G. ILANGO VAN

CRL OP(MD) No.7581 of 2021

Murugesan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.
Crime No.88 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Arun,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

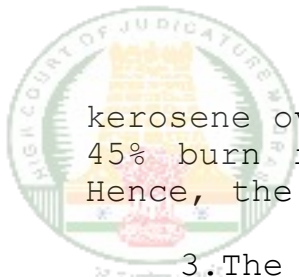
PRAYER :-

For Bail in Crime No.88 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is in custody from 22.04.2021 for the offences under Sections 294(b), 323 and 307 of IPC @ 294 (b) and 302 IPC in Crime No.88 of 2021 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the deceased is the mother of the petitioner/first accused and the mother-in-law of the second accused. The first accused used to consume alcohol regularly and used to pick up quarrel with his wife. Though he was involved in selling goats, he would not pay money to his family for buying essential things. The defacto complainant used to go to 100 days work and give all wages to the first accused. On 21.04.2021, at about 12.00 p.m., when the first accused came to the house and on seeing the second accused not preparing food, he questioned about the same. She told him that the defacto complainant did not give money to prepare food. So, the petitioner got angry and quarreled with the defacto complainant and abused her and also attacked her with hands. At that time, the second accused told that the defacto complainant is the reason for all the problems and if the defacto complainant dies only, she will be at peace. Subsequently, she poured



kerosene over the defacto complainant and set fire. Due to sustained 45% burn injuries, the defacto complainant died in the hospital. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused already released on bail and the petitioner is in judicial custody from 22.04.2021. Hence, he seeks for granting bail to the petitioner.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police would submit that the accused killed his own mother by joining hands with his wife. So, he opposed to grant bail to the petitioner.

5. Heard both sides.

6. It is seen that the earlier bail application filed by this petitioner was dismissed with liberty to the petitioner to file a fresh petition containing the proper particulars as well as the provision of law. In pursuance of which, this petition came to be filed.

7. It is a case of matricide. Allegation is that the mother of the petitioner has been killed by this petitioner by joining hands with the co-accused, who is his wife. Even though, a case of suicide has been projected by the petitioner, as observed by this Court in Crl.OP(MD)No.7469 of 2021 filed by the second accused namely, the wife of the petitioner, that matter can be observed only during the course of trial. The main allegation levelled only against the second accused, who has been granted bail by this Court in the above said Crl.OP(MD)No.7469 of 2021 dated 17.06.2021.

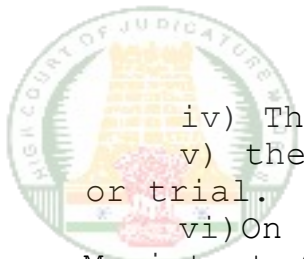
8.Considering the period of incarceration of the petitioner and considering the fact that the co-accused already released on bail and the major portion of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the Judicial Magistrate, Vilathikulam, Thoothukudi District.

ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

iii) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further



iv) The petitioner shall not tamper with evidence or witness.
v) the petitioner shall not abscond either during investigation or trial.

vi) 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]**.

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/06/2021

/ TRUE COPY /

/ /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,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.7581 of 2021
Date :21/06/2021

DSS

<https://hcservices.mca.gov.in/hcservices/>
CRL/VP/OPR-11/21.06.2021/3P/6C