



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

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.7887 of 2021

Murugeswari

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Austinpatti Police Station,
Madurai District.
Crime No.116 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Vivek Kumar,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.116 of 2021 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 01.05.2021 for the offences punishable under Sections 174 Cr.P.C altered into Section 306 I.P.C. in Crime No.116 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased and the petitioner are husband and wife. The petitioner had illegal intimacy with Accused No.2, due to which, there was a wordy quarrel arose between the petitioner and the deceased and on 28.04.2021, the deceased committed suicide by hanging. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. There was a property dispute between the defacto complainant and the accused. Only to grab the property, the defacto complainant lodged the present complaint. He further submitted that no inquest has been conducted and the petitioner is in judicial custody for the past 49 days and she is having two children. Therefore, he prays to grant bail to the petitioner.



4.The learned Government Advocate(Crl.Side) would submit that postmortem report and viscera report have not been received. He further submitted that so far five witnesses were examined and the investigation is pending. Hence, he opposes to grant bail to the petitioner.

WEB COPY

5.Considering the facts and circumstances of the case and the fact that so far five witnesses were examined and the petitioner is having two children and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) before the Jail Authority. The petitioner after her release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam.

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 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/-

18/06/2021

/ 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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4. THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION, MADURAI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7887 of 2021

Date : 18/06/2021

MSA

AE/AKM/SAR-1/18.06.2021/3P/6C