



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7853 of 2021

Muthu Selvam

... Petitioner/Accused No.6

Vs

State: The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin District.
(Crime No.77/2021).

... Respondent/Complainant

For Petitioner : Mr.Ka.Raamakrishnan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhu,
Additional Public Prosecutor

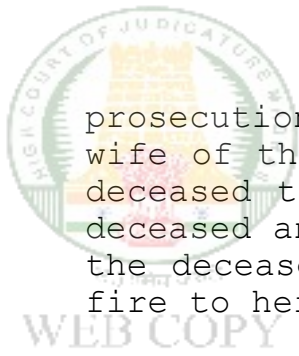
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For bail in Crime No.77 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested on 26.04.2021 for the offences punishable under Sections 174 Cr.P.C @ 302,201 of IPC @ 147,148,302,120(b) and 201 of IPC in Crime No.77 of 2021 on the file of the respondent police, seeks bail.

2. The case has been registered based on the complaint given by the Village Administrative Officer of Ottapidaram Taluk, Kalmedu Village on finding the burnt female body on 23.04.2021. Originally the case was registered under Section 174 Cr.P.C and later it has been altered to Sections 147,148,302,120(b) and 201 of IPC. There are totally six accused in this case. According to the case of prosecution A1 to A5 in this case are brothers. A1's daughter Venkateshwari was studying law and when A1 tried to get her married with another person it was opposed by the said Venkateshwari and she wanted to marry one Manthirammoorthi who was studying with her. Therefore she eloped with him and got married. According to the



prosecution this marriage was supported by the deceased who was the wife of the first accused. Enraged over the support extended by the deceased to her daughter A1 to A5 conspired together to murder the deceased and in pursuance to the said conspiracy they have attacked the deceased with aruval and caused injuries, subsequently they set fire to her body by pouring kerosene over her body.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that he had no knowledge about the conspiracy to commit the murder of the deceased and he is not present in the scene of occurrence. He would further submit that the petitioner is in judicial custody from 26.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He would further submit that all the accused persons were arrested and remanded to judicial custody.

5. It is seen that there is no direct involvement of the petitioner in the commission of offence. Further the petitioner has only given his two wheeler to one of the accused in this case.

6. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 26.04.2021, this Court is inclined to grant bail to the petitioner

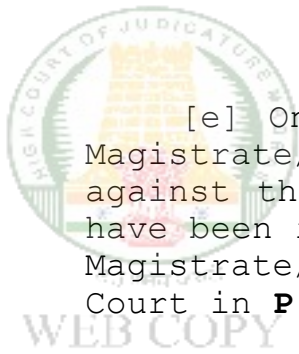
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vilathikulam, Tuticorin District and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/06/2021

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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,
VILATHIKULAM, TUTICORIN DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4.THE INSPECTOR OF POLICE
THARUVAIKULAM POLICE STATION,
TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7853 of 2021

Date :16/06/2021

AAV

AE/AKM/SAR-III/16.06.2021/3P/6C