



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

Date : 01/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8540 of 2021

Marimuthu

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Tenkasi Police Station,
Tenkasi District
In Crime No.196/2021.

... Respondent/Complainant

For Petitioner : Mr.N.Mahendra Babu,
Advocate.

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

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

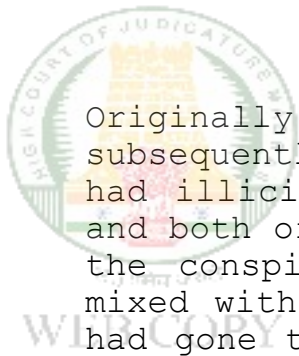
PRAYER :-

For Bail in Crime No. 196 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 18.04.2021 for the offences punishable under Sections 302 and 201 of IPC in Crime No.196 of 2021 on the file of the respondent police, seeks bail.

2. The deceased Kaliraj is the son of the defacto complainant. The case of the prosecution is that the marriage between the son of the defacto complainant and one Abi @ Abirami was performed at the instigation of Kaliraj for the reason that he was in love with Abirami. Only after the marriage the defacto complainant and others came to know that Abirami was already married and had two children through her earlier marriage. Even after marriage Abirami has contact with some other male person. When it was objected by the deceased Kaliraj she did not pay heed to his words. The deceased was sent to Tirupur. Then he came back to Tenkasi and was with Abirami. Then there was no news about the deceased Kaliraj. The defacto complainant enquired about the deceased. Abirami told that the deceased was working in Erode and whenever the defacto complainant asked Abirami used to inform that the deceased was working in Erode and he has not come back. Therefore she gave this complaint.



Originally case was registered under Man Missing on 17.04.2021, subsequently during investigation it came to light that the Abirami had illicit relationship with one Marimuthu/ the petitioner herein and both of them decided to do away the deceased and in pursuance to the conspiracy on 19.09.2018 at 11.00 pm., Abirami prepared dosa mixed with sleeping pills and gave to the deceased. After kaliraj had gone to sleep, Abirami caught hold his leg and the petitioner herein cut the neck of the deceased and buried the body of the deceased/Kaliraj in the house of Abirami. Thereafter the case has been altered to Sections 302 and 201 of IPC.

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 the petitioner is in judicial custody from 18.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the deceased was murdered gruesomely by cutting his neck, while he was sleeping. It is his further submission that both the accused with the assistance of A3 had buried the body with an intention to conceal the evidence to evade the due process of law. He further submitted that only the skeleton of the deceased was exhumed and sent for chemical analysis. He would further submit that the investigation is not completed, hence he opposed to grant bail to the petitioner.

5. As already narrated the deceased was allegedly done to death by the petitioner by cutting the neck with the help of other accused and the body was buried. Now the body is exhumed and the skeleton is sent for chemical analysis. Investigation is pending, therefore this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
01/07/2021

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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 SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.

2. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION, TENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8540 of 2021

Date : 01/07/2021

aav

PK/VR/SAR-II/05.07.2021 : 3P/4C