



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

Date : 08/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8985 of 2021

Latha Rani

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi District.
(Crime No.53/2021).

... Respondent/Complainant

For Petitioner : Mr.V.Angusamy,
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. 53 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 23.04.2021 for the offence punishable under Section 302 of IPC in Crime No.53 of 2021 on the file of the respondent police, seeks bail.

2. The defacto complainant who is the Village Administrative Officer of Keela Tiruchendur was informed by the Sub Inspector of Police of Tiruchendur Murugan Temple Police station that he found a male person was murdered at Naraikinaru car parking. He visited the place and saw a male person aged about 55 years dead with injuries. On enquiry it revealed that the accused had beaten him with wooden log repeatedly, as a result of injuries suffered, he died.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. It is his further submission that the deceased committed sexual torture on the second accused and when it was prevented a false case has been foisted . He would further submit that the petitioner is in judicial custody from 23.04.2021, hence he seeks



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 there are materials available to show that the accused persons had caused death of the deceased.

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5. It is seen that from the First Information Report allegations that this murder is not a pre meditated murder but had taken place due to sudden provocation. According to the learned counsel for the petitioner, sex torture was committed by the deceased against the second accused.

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 23.04.2021, this Court is inclined to grant bail to the petitioner

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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur 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/-

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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.

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TO

1. THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
TIRUCHENDUR TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8985 of 2021

Date :08/07/2021

AAV

MS/AKM/SAR-1/08.07.2021/3P.6C