



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

Date : 05/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10617 of 2021

A.Muthurakku,  
D/o. Azhagan,  
Ariyanendhal Village,  
Paramakudi Taluk,  
Ramanathapuram District.

... Petitioner/Accused

Vs

The Inspector of Police,  
Paramakudi Taluk Police Station,  
Ramanathapuram District.

... Respondent/Complainant

For Petitioner : M/s. Susi Kumar.C,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.166/2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 01.05.2021 for the offences punishable under Sections 449, 380 and 302 of IPC in Crime No.166 of 2021 on the file of the respondent police, seeks bail.

2. The deceased is the mother of the defacto complainant. The age of the deceased at the time of death is 92 years. The case of the prosecution is that the deceased used to wear gold stud and bangles about 12 sovereigns worth about Rs.1,80,000/- She used to go to Thoppu and bring coconut lying on the ground. On 30.04.2021 at about 09.00 a.m., the defacto complainant instructed his mother to come home for taking food. At about 03.00 pm., he found that his mother was not available in the home. When he enquired his wife about his mother, she told him that his mother had not returned from the coconut grove. Therefore, he went to the coconut grove and found



his mother dead in the motor room. Her ear stud and bangles were removed and chilly powder was sprayed in the room. Therefore the case came to be registered.

3. The learned counsel for the petitioner submits that this is the second bail application. The first bail application filed in CrI.O.P.(MD) No.8571 of 2021 was dismissed by this Court, by order dated 30.06.2021, on the ground that the investigation is not completed. But, till date, the Investigating Agency has not filed any final report. Since the petitioner is in prison for the past 97 days, she is entitled for grant of bail under Section 167(2) of Cr.P.C.

4. The learned Additional Public Prosecutor submits that this is a case of murder for gain. However, he fairly concedes that final report has not been filed.

5. Considering the period of incarceration and also considering the fact that final report has not been filed so far, this Court is of the view that the petitioner is entitled for grant of bail under Section 167(2) of Cr.P.C.

6. 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, Paramakudi and on further conditions 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 twice, i.e.at 10.30 a.m. and 5.30 p.m. 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/-  
05.08.2021

TRUE COPY

WEB COPY

SUB ASSISTANT REGISTRAR ( CS I)

OGY

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 learned Judicial Magistrate, Paramakudi.
2. Do-Through The Chief Judicial Magistrate,  
Ramanathapuram District.
3. The Superintendent, District Prison (Women),  
Dindigul District.
4. The Inspector of Police,  
Paramakudi Taluk Police Station,  
Ramanathapuram District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.10617 of 2021

Date : 05/08/2021

MK  
VR.SAR 1  
05/08/2021  
3P/6C