



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

Date : 10/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11108 of 2021

Selvi

... Petitioner/A 3

Vs

State Rep.by
The Inspector of Police,
Theni Police Station,
Theni.
(Crime No.319 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.C.Jeganathan,
Advocate.

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

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

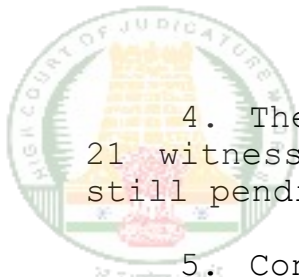
PRAYER :- For Bail in Crime No.319 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 02.07.2021 for the offences punishable under Sections 498(a) of IPC r/w. 302, 109 and 201 of IPC, in Crime No.319 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is the mother-in-law of the deceased. The deceased was married to the son of the petitioner/A1. Thereafter, differences arose between A1 and deceased, due to which, there was a quarrel between them and A1 attacked the deceased with broom-stick and consequent to that, she fell down and got head injury and subsequently, she died. A1, with the help of his brother/A2 and mother/A3, threw the body into a river.

3. The learned counsel for the petitioner submits that the entire allegations made in the complaint are false. He further submits that the body of the deceased has not been recovered by the prosecution.



4. The learned Government Advocate (Crl. Side) submitted that 21 witnesses have been examined so far and the investigation is still pending.

5. Considering the nature of allegations levelled against the petitioner, the period of incarceration and the fact that the body of the deceased has not been recovered, this Court is inclined to grant bail to the petitioner.

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, Additional Mahila Court(JM Level), Theni 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 at 10.30 a.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/-
10/08/2021

/ 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 concerned.



TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT (JM LEVEL),
THENI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI.

4 THE OFFICER INCHARGE, SUB JAIL (WOMEN),
NILAKOTTAI.

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

ORDER

IN

CRL OP (MD) No.11108 of 2021

Date :10/08/2021

OGY

MS/VR/SAR-3/10.08.2021/3P.6C