



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.10946 of 2021

1. P.Murugesan
2. P.Chellamani

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
in Crime No.851/2021.

... Respondent/Complainant

For Petitioners: Mr.J.Jeyakumaran,
Advocate.

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

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

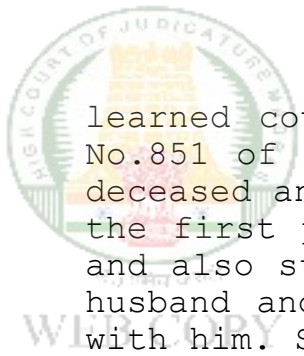
PRAYER :- for Bail in Crime No.851/2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 03.07.2021 for the offence under Section 174 Cr.P.C and subsequently, altered into Section 306 I.P.C, in Cr.No.851 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased Nithya who is the wife of the first petitioner, consumed poison and also administered the poison to her children, thereby, all the three died. The deceased Nithya has also left a suicide note that these petitioners have harassed and also insisted a property.

3.The learned counsel appearing for the petitioners submits that the first petitioner is the husband of the deceased Nithya and the second petitioner is the sister of the first petitioner. The



learned counsel has relied on the F.I.R dated 02.07.2021 in Crime No.851 of 2021 that the complaint was lodged by the father of the deceased and in the complaint, he admitted that the marriage between the first petitioner and his daughter was taken place 8 years back and also stated that since there was a misunderstanding between the husband and wife, his daughter Nithya was separated and was living with him. Six days prior to the occurrence, the deceased Nithya went to the house of the accused where there was a wordy quarrel and subsequently, she consumed poison. He would further submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution and they are in jail from 03.07.2021, hence, they may be granted bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the fact that the deceased and the first petitioner are living separately for quite a long period, the nature of allegation levelled against the petitioners and the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manapparai 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 petitioners shall appear before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229-A IPC.

sd/-
10/08/2021

/ TRUE COPY /

WEB 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, MANAPPARAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
4. THE OFFICER INCHARGE,
WOMEN PRISON, PALAKKARAI, TRICHY.
5. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10946 of 2021
Date :10/08/2021

MSA
MS/PN/SAR-3/10.08.2021/3P.7C