



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.10969 of 2021

Dhanalakshmi

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Theppakulam Police Station,
Madurai City,
Madurai District.

... Respondent/Complainant

For Petitioner : M/s.Rajaboopathy D,
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. 321 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 12.07.2021 for the offence punishable under Section 174 Cr.P.C. altered into 302 of IPC, in Crime No.321 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is the wife of the deceased. The marriage between the petitioner and the deceased was solemnized in the year 2009. They are having two male children. The deceased, a drunkard, used to drink with the petitioner often. Unable to bear the



torture made by the deceased, she lodged a complaint against him, in B3 Teppakulam Police Station, which was registered in Cr.No.130 of 2021 under Sections 294(b), 323 and 506(i) of IPC and 4 of TNPHW Act. She also lodged another complaint against him, which was registered in Cr.No.320 of 2021 under Section 75 of MCP Act. While so, the deceased died in suspicious circumstances and the police arrested the petitioner that she strangled the deceased with her shawl.

3. The learned counsel for the petitioner submits that the petitioner never committed any offence as alleged by the respondent Police.

4. The learned Government Advocate (Crl. Side) submitted that the investigation is almost over. Sixteen witnesses have been examined so far. The viscera and scientific reports are awaited.

5. Considering the nature of allegations levelled against the petitioner and the fact that the petitioner herself lodged two complaints against her husband and thereafter, the deceased was found dead in suspicious circumstances and the period of incarceration, 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 No.I, Madurai 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

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 Judicial Magistrate No.I,
Madurai.
2. Do through
The Chief Judicial Magistrate, Madurai.
3. The Superintendent,
Central Prison for Woman, Madurai.
4. The Inspector of Police,
Theppakulam Police Station,
Madurai City, Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.D.RAJABOOPATHY, Advocate (SR-5245[I] dated 10/08/2021)

ORDER IN
CRL OP(MD) No.10969 of 2021
Date : 10/08/2021

TR/PN/SAR-III(10.08.2021) 3P 7C