



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13186 of 2021

Sivan Sudalai

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Moolakaraipatty Police Station,
Tirunelveli District.
Crime No.183 of 2021.

... Respondent/Complainant

For Petitioner : MR.S.MUTHUMALAI RAJA,
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.183 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 12.07.2021 for the offence punishable under Section 302 IPC altered into Sections 302 and 120(b) IPC, in Crime No.183 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is the brother of the deceased. The case of the prosecution is that the deceased had intimacy with her neighbour and subsequently, she also became pregnant. At the instigation of A3, A1 and A2, who are sister and mother of the deceased, attacked the deceased and strangulated her to death. Hence, the case.

3. This case has been registered based on the complaint given by the defacto complainant, who is the paternal uncle of the deceased alleging that on 12.07.2021, at about 5.45 a.m., the 2nd accused came to his house and stated that her elder daughter/deceased committed suicide by hanging in her house. But, the defacto complainant had noticed some external injuries on the deceased, who was lying on the floor of the house. According to the defacto complainant, the motive of the crime is that the deceased had intimacy with a neighbour and therefore, the accused persons

seized the deceased. But, the deceased did not heed the words of



the accused. Embarrassed over the same, the accused murdered the deceased.

4. The learned counsel appearing for the petitioner submitted that the petitioner herein scolded the deceased regarding her affair with a neighbour, but, the same was denied by the deceased. Thereafter, she had taken this extreme step and she herself committed suicide by hanging. The petitioner has not involved in any offence as alleged by the prosecution. However, he is languishing in jail from 12.07.2021. Hence, the learned counsel prayed for grant of bail.

5. The learned Government Advocate (Crl. Side) submitted that all the witnesses have been examined and the chemical analysis report is awaited. He further submitted that the entire prosecution case rests on circumstantial evidence and A1 and A2 were already granted bail by this Court, on 31.08.2021, in Crl.O.P.(MD) No.11969 of 2021.

6. Considering the facts and circumstances of the case, the period of incarceration and the fact that the entire prosecution case rests on circumstantial evidence and A1 and A2 were already granted bail, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his 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, Nanguneri, Tirunelveli District 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 appear before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioner 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 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



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/09/2021

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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,
NANGUNERI, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
MOOLAKARAIPATTY POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13186 of 2021
Date :08/09/2021

OGY
MK/VR/SAR.III/08.09.2021/3P/6C