



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 07/04/2022
Delivered on : 11/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5365 of 2022

WEB COPY

1.Jegatha
2.Rajammal

... Petitioners/Accused 1-2

Vs

State Rep.by
The Inspector of Police,
Palani Taluk Police Station,
Dindigul.
Crime No.36 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Kalidass.R.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

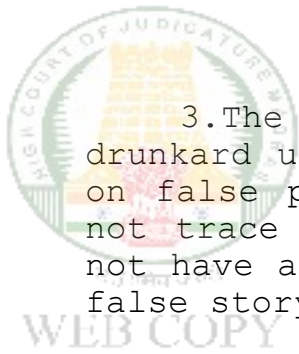
PRAYER :-

For Bail in Crime No.36 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 11.02.2022 for the offences punishable under Section 174 Cr.P.C @ 302, 201 IPC, in Crime No.36 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the first accused wife of the deceased lodged a complaint on 01.02.2022, that her husband Selvaraj is a drunkard and she received information on the next day morning that her husband was found dead on the road side, that on enquiry, the respondent Police came to know that the third accused, who is a financier has advanced money to the deceased and he used to visit the house of the deceased frequently for collecting loan amount and at that time, the first accused had developed illicit affairs with the third accused, that the deceased after coming to know about the affairs, had warned both of them severely, that the accused 1 to 3 along with the mother of the first accused had conspired and committed murder and that thereafter, placed the body on the road side to give a picture as if he met with an accident and died.



3.The petitioner's case is that the deceased, who is the drunkard used to quarrel with the several persons, that the Police on false presumption has implicated the petitioners as they could not trace out the original accused, that the first petitioner did not have any illegal relationship with the third accused and that a false story was created to make a chain of link.

4.It is their further case that they have no motive to commit murder, that the allegation of the Police that the mother is one of the conspirator in illegal relationship of her daughter would only show that the police story is improbable, that they are innocents and that they have not committed any offence as alleged.

5.The learned counsel for the petitioners would submit that the first accused is having two daughters and they are now in street without any help and that they are not having any bad antecedents.

6.The learned Additional Public Prosecutor appearing for the State would submit that since the deceased had raised objections and warned the accused 1 and 2 about their illicit relationship, all the accused have conspired together and committed murder and that thereafter, they have placed the body on the road side as if the deceased had died in a road accident.

7.He would further submit that the Post-mortem Doctor has specifically found that there were contusions over right side of neck c/s subcutaneous hemotoma seen on both sides and that Hyoid Bone was found fractured and that final opinion has been given that the deceased would appear to have died on hemorrhage due to injury on vital organs and that the investigation is pending.

8.Considering the seriousness and gravity of the offence alleged and the way in which, the wife and mother-in-law along with third accused, who is allegedly having illicit affairs with the first accused had killed the deceased and placed the body on the road side as if the deceased had died in a road accident and that the investigation is pending as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioners at this point of time.

9.In the result, the Criminal Original Petition is dismissed.

sd/-

11/04/2022

/ TRUE COPY /

/ /2022

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.

WEB COPY

- TO
- 1 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
 - 2 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.KALIDASS, Advocate (SR-3300[I] dated 12/04/2022)

ORDER
IN
CRL OP(MD) No.5365 of 2022
Date :11/04/2022

RS/VR/SAR.2 (19.04.2022) 3P-5C