



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.8050 of 2022

1. Jegatha
2. Rajammal

... Petitioners/ Accused 1-2

Vs

State by
The Inspector of Police,
Palani Taluk Police Station,
Palani.
(Crime No.36 of 2022.)

... Respondent/ Complainant

For Petitioners: Mr.R.Kalidass,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

PETITION FOR BAIL Under Section 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/A.1 & A.2, who were arrested and remanded to judicial custody on 11.02.2022 for the offences punishable under Section 174 Cr.P.C altered into Sections 302 and 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



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. He would further submit that the third accused was already arrested and released on bail by the lower Court.

6.No doubt, the earlier application for bail filed by the petitioners in Crl.O.P.(MD)No.5365 of 2022 was dismissed by this Court vide order dated 11.04.2022.

7.The learned Government Advocate (Criminal Side) would submit that investigation is almost completed.

8.Considering the above facts and circumstances and also the facts that the petitioners are in judicial custody from 11.02.2022, that investigation is almost completed and that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners with certain conditions.

9.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Palani.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;



(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners shall not abscond during trial;

(v)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]***.

(vi)If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/04/2022

/ TRUE COPY /

29/04/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
PALANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION, DINDIGUL.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to Mr.R.KALIDASS, Advocate (SR-4079[I] dated 29/04/2022)
ORDER IN
CRL OP(MD) No.8050 of 2022
Date :29/04/2022

CSM

MK/PN/SAR.III/29.04.2022/3P/7C

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