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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 07/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.12001 of 2022

Chinnathai : Petitioner/A1

Vs.

The State rep. By
The Inspector of Police,
Thiruthangal Police Station,
Thiruthangal,
Virudhunagar District.
(Crime No.35 of 2022) : Respondent/Complainant

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

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

PRAYER :- C-6B.For Bail in Crime No.35 of 2022 on the
file of the Respondent Police.



ORDER : The Court made the following order:-

2.The case of the prosecution is that the de-facto complainant is the sister of the deceased Kartheeswari. She gave a statement that the deceased Kartheeswari was married to A2-Jothimani. Sometime five years prior to the occurrence, along A2, the deceased and A1, who is the mother of A2 is also living. Jothimani was already married to another lady and later, they got separated. A1 was working as Sweeper in Puthupatti. The deceased was 4 months pregnant. Right from the date of marriage, A1 caused trouble, harassed and tortured under the wrong assumption that A2 will not live in the house and were separate residence and A2 is locked the door out side, whenever she goes to the work. One week after the occurrence, the deceased telephoned the de-facto complainant stating she was assaulted by A1 in her stomach. So they went to her house and warned. But



3.The learned counsel appearing for the petitioner would submit that right from the date of arrest, she is in custody and considering her old age and also considering the fact she is in sick, she may be enlarged on bail. Since the case rests upon the dying declaration of the deceased, there is no possibility of tampering the evidence.

4.Per contra, the learned Government Advocate (Criminal side) would submit that it is a gruesome murder in which the deceased was continuously put to torture, and physical assault in an inhuman manner, when she was pregnant, such nature of the crime must be viewed seriously.

5.Perusal of the entire CD file shows that it is a gruesome occurrence and the deceased was continuously put to harassment, torture and physical assault also. She was also five months pregnant at the time of occurrence. Therefore, dying declaration is against the accused persons.



6. Even though she is in custody for more than four months, I am of the considered view that this is not a fittest case to enlarge the petitioner on bail. She can move the bail before the concerned court after material witness examination is over.

7. In the result, this criminal original petition is **dismissed**.

07/07/2022

Index: Yes/No
Internet: Yes/No
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To,

1. The Inspector of Police,
Thiruthangal Police Station,
Thiruthangal,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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