



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.13801 of 2022

Mydeen Pathu

... Petitioner/ Petitioner /
Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Courtallam Police Station,
Courtallam,
Tenkasi District.
(Crime No.177 of 2022)

... Respondent/ Respondent /
Complainant

For Petitioner : Mr.S.Palani Velayutham,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.177 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.05.2022 for the offences punishable under Sections 120 (b) and 302 IPC @ 120(b), 302 and 212 of IPC, in Crime No.177 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant are the daughters of the deceased. Due to property dispute between the petitioner and the deceased, the petitioner and her husband have conspired together and hired one Sekar. The said Sekar hired another two others in order to kill the deceased. As per the FIR, the petitioner's husband identified the deceased/uncle to the other accused on 01.05.2022, thereafter, the accused committed murder and asked this petitioner's husband to pay the money.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the first accused is the main accused, that since the petitioner being the wife of the first accused, she has been falsely implicated, that two daughters of the deceased were made as accused at the instance of the third daughter of the deceased, that there was no overt act alleged against the petitioner and that the de-facto complainant in order to get more property of the deceased, has lodged the above complaint.

4.No doubt, the petitioner's earlier two applications were dismissed by this Court, vide orders dated 15.06.2022 and 15.07.2022 in Crl.O.P.(MD)Nos.10162 of 2022 and 12204 of 2022.

5.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the petitioner, who is the daughter of the deceased, along with other accused had killed her father, that investigation has already been completed and the charge sheet has already been laid and the case was taken on file in P.R.C.No.19 of 2022 pending on the file of the learned Judicial Magistrate, Shencottai and that the petitioner is not having any previous case.

6.The learned counsel for the petitioner would submit that the co-accused were already arrested and released on bail and that the petitioner is not having any previous case.

7.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 12.05.2022 and also the facts that the investigation has already been completed and the charge sheet has already been filed and the case was taken on file in P.R.C.No.19 of 2022 pending on the file of the learned Judicial Magistrate, Shencottai and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Shencottai, Tenkasi District.

(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 petitioner shall report before the Committal on all working days at 10.30 a.m., until further orders;

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

(iv) the petitioner 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 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]**.

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

sd/-

02/08/2022

/ TRUE COPY /

02/08/2022

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,
SHENCOTTAI, TENKASI DISTRICT.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT,
WOMEN WING, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
 - 4 THE INSPECTOR OF POLICE
COURTALLAM POLICE STATION, COURTALLAM,
TENKASI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PALANI VELAYUTHAM.S Advocate SR.No.8028.

ORDER IN

CRL OP(MD) No.13801 of 2022

Date : 02/08/2022

SJI

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