

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17020 of 2022

Vinitha ... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.272 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Mohan Gandhi S.M.,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.272 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 04.08.2022 for the offences punishable under Sections 174 of Cr.P.C. @ 302, 201 r/w 34 IPC, in crime No.272 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the Village Assistant of the concerned Village. On 20.07.2022, he found the decomposed, burnt dead body of the male in the bank of Pallamadi Pond. Hence, he lodged a complaint before the respondent police and the case has been registered under Section 174 of Cr.P.C. Subsequently, the petitioner has surrendered before the VAO of Tenkalam Village and gave confession stating that the deceased is the husband of the petitioner and due to illegal intimacy with A2, on 08.07.2022, while the deceased was sleeping under intoxication, the petitioner along with A2 strangulated the neck of the deceased and caused death to him. Hence, the offence was altered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 04.08.2022, hence she may be released on bail.

4.The learned Government Advocate (Crl. side) would submit that more than 10 witnesses have been examined and the investigation is yet to be completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the facts that the major part of the investigation might have been completed and the petitioner is in judicial custody from 04.08.2022, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 No.5, Tirunelveli.

(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 respondent police daily 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].

sd/-
12/10/2022

/ TRUE COPY /

12/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.5,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER-INCHARGE,
SPECIAL WOMEN SUB JAIL, KOKKIRAKULAM,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PERUMAL, Advocate (SR-11231[I] dated 12/10/2022)

ORDER
IN
CRL OP(MD) No.17020 of 2022
Date :12/10/2022

sj
USK/VR/SAR- /12.10.2022/3P/7C