



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

Date : 30/09/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.17505 of 2022

Shanthi

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No. 118/2022.

... Respondent/Complainant

For Petitioner : M/s.Rameshkumar.D,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

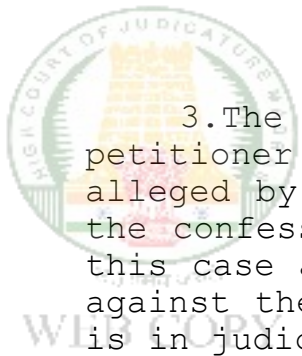
PRAYER :-

For Bail in Crime No. 118 of 2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 26.07.2022 for the offences punishable under Section "Man Missing" @ Sections 120-b, 302 and 201 IPC in crime No.118 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the wife of the deceased. A3 is in illegal contact with A1. A1 is the brother of A2. Due to that illegal contact, A1 and A2 demanded the deceased to arrange marriage between his daughter and A1. The same was agreed by the petitioner and refused by the deceased. Due to such motive, all the accused persons entered into a criminal conspiracy to eliminate the deceased. On 28.05.2022, while the deceased was proceedings towards Tuticorin, A1 and A2 to execute the conspiracy, they compelled the deceased to consume alcohol, when he was under the intoxicated mood, they murdered the deceased and thrown the body in a bush. Later, A2 voluntarily appeared before the VAO and gave a confession, based on which, the petitioner has been implicated in this case.



3.The learned counsel for the petitioner would submit the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He would further submit that based on the confession statement of A1, she has been arrayed as accused in this case and except the confession, no other material is available against the petitioner. He would further submit that the petitioner is in judicial custody from 26.07.2022 and hence, she may be granted bail.

4.The learned Additional Public Prosecutor would submit that A2 was arrested and A1 is yet to be secured and the investigation is not yet completed. He would further submit that nine witnesses have been examined and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that nine witnesses have already been examined and the investigation is yet to be completed, 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.I, Ramanathapuram.

(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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/09/2022

/ TRUE COPY /

30/09/2022

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 NO.1,
RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER-INCHARGE,
SPECIAL PRISON FOR WOMEN AT MADURAI.
4. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17505 of 2022

Date :30/09/2022

sj i

USK/VR/SAR-II/30.09.2022/3P/6C