



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

PRESENT



WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22835 of 2022

1. London Durai @ Muthukutti @ Kutti
2. Sudalaimani
3. Mariappan

... Petitioners/Accused

Vs

The State Rep.by
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(Crime No.152/2022).

... Respondent/Complainant

For Petitioner : Ms Packiya Muthu.S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

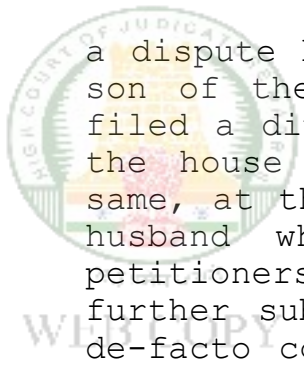
PRAYER :-For Bail in Crime No.152/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 15.08.2022 for the offence punishable under Sections 294(b), 341, 302, 120(b) and 506(ii) of IPC in Crime No.152 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that her son Marimuthu was married to one Selvi and there was a matrimonial dispute pending between Selvi and Marimuthu and due to the matrimonial dispute, the accused who are respectively, the brothers and father of her daughter-in-law, had quarrelled with her husband and committed the murder of her husband Subbiah by indiscriminately cutting him with aruval and he died on the spot. Hence, the case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are respectively, the brothers and father of the daughter-in-law of the de-facto complainant, there was



a dispute between the daughter of the third petitioner Selva and son of the de-facto complainant and the son of the deceased had filed a divorce petition and thereby, the petitioners have gone to the house of de-facto complainant to discuss with regard to the same, at that time, there was a quarrel, the de-facto complainant's husband who is the aggressor, has attempted to assault the petitioners, during such time, the incident had happened. He would further submit that the petitioners have gone to the house of the de-facto complainant taking into consideration the future and life of their sister/daughter and that they have not committed any offence as alleged. He would further submit that the petitioners are in jail from 15.08.2022 and the investigation has been completed and the case has been taken up for trial in S.C.No.769 of 2022 before the learned I Additional Sessions Judge, Tenkasi. He would further submit that now the case stands posted for framing of charges and that they have to come out to engage the counsel. He would further submit that the petitioners undertake that they will not enter into the jurisdictional limits of the respondent police till the examination of the eye witnesses. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are respectively, the brothers and father of the daughter-in-law of the de-facto complainant, due to existing matrimonial dispute, the petitioners have committed the murder of the husband of the de-facto complainant. He would further submit that the investigation has been completed and the case has been taken up for trial in S.C.No.769 of 2022 before the learned I Additional Sessions Judge, Tenkasi and that now the case stands posted for framing of charges. Hence, he opposed to grant bail to the petitioners.

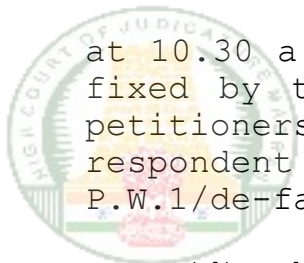
5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangulam, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall stay at Tenkasi and report before the learned I Additional Sessions Judge, Tenkasi on all working days



at 10.30 a.m., till framing of charges and thereafter, on the day fixed by the learned Trial Judge; and it is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent police till the examination of the eye witness namely, P.W.1/de-facto complainant is over;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/12/2022

/ TRUE COPY /

22/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
PAPPAKUDI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE I ADDITIONAL SESSIONS JUDGE, TENKASI
+1 CC to Mr.S.PACKIYA MUTHU, Advocate SR-63750.

ORDER
IN
CRL OP(MD) No.22835 of 2022
Date :22/12/2022

SJI

MK/SSS/SAR 1/22.12.2022/3P/8C
<https://www.mhc.tn.gov.in/judis>