



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.22832 of 2022

Manimegala @ Usha

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No.363 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anantha Devi M,
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.363 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 10.10.2022 for the offence punishable under Section 302 of IPC in Crime No.363 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who is A3 in this case, is the wife of the deceased. She had developed illicit intimacy with A1 and thereby, in order to do away with her husband, with the help of A1 and A2, had committed the murder of her husband by taking him to a remote area and by inflicting him injuries with aruval. Hence, the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case based on suspicion. He would further submit that it is only a case of circumstantial evidence and other than the confession, there is no material against her. He would further submit that the petitioner is in jail from 10.10.2022. He would further submit that the other accused have been arrested and they are in judicial custody. Hence, he seeks for bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the wife of the deceased, she had developed illicit intimacy with A1, who is a history sheeted rowdy and that in order to do away with her husband, she had pre-planned and called A1 to her house and thereafter, they have taken her husband to secluded place, where, they have cut him with aruval, resulting in the death. He would further submit that though it is a case of circumstantial evidence, there are ample evidence and call records prior to and after the occurrence to fix the petitioner in the crime. Hence he opposed to grant bail to the petitioner.

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 petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Tenkasi, 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(f) the petitioner 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 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];



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

sd/-
22/12/2022

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22/12/2022

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

SJI
TO

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

**ORDER
IN**

CRL OP(MD) No.22832 of 2022
Date :22/12/2022

SA/SSS/SAR.1/22.12.2022/3P/6C