



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

Date : 04/01/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.77 of 2023

Ponvairavi

... Petitioner/Accused No.3

Vs

The State Rep. by,  
The Inspector of Police,  
Sipcot Police Station,  
Tuticorin District.  
(Crime No.353/2022).

... Respondent/Complainant

For Petitioner : M/s.Ka.Raamakrishnan,  
Advocate

For Respondent : Mr.T.Senthil Kumar,  
Additional Public Prosecutor

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

PRAYER :-

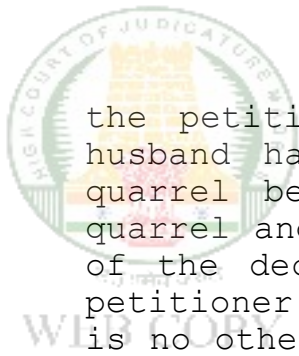
For Bail in Crime No.353 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 01.12.2022, for the offence punishable under Section 302 of I.P.C, in Crime No.353 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of the deceased having sold the stolen bike to the first accused, there was a dispute between them. The first accused had called the deceased to his house and he questioned the same, over which, quarrel arose between them. At that time, the accused persons have assaulted the deceased with hands and the first accused has strangulated the deceased with a rope, due to which, he died. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and she has been falsely implicated in this case, since she is the wife of the first accused. Her husband had purchased a bike from the deceased, which was later found to be stolen by the deceased. The original owner of the bike had taken away the bike from the first accused. There was a dispute between



the petitioner's husband and the deceased. In this regard, the petitioner's husband has called the deceased to their house and there was a quarrel between them. The alleged incident happened during the quarrel and other than that there was no intention to commit murder of the deceased by her husband. At the time of occurrence, the petitioner was present at the occurrence place and except that there is no other overt act as against the petitioner. The petitioner is a lady aged about 50 years. The petitioner is in custody from 01.12.2022. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased had sold the stolen bike to the first accused and later, the owner of the vehicle had taken away the bike from the first accused, over which, there was a dispute between them. The first accused had called the deceased to his house and questioned the same. At the time of discussion, the first accused had strangled the deceased with a rope and the A2, being the son of A1 and the A3, being the wife of A1, caught hold the deceased with hands. The petitioner has been arrested only on 01.12.2022. Hence, he would vehemently object to release the petitioner on bail.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration of the facts and submissions made by the learned counsels and the fact that the petitioner is a lady and also considering the period of incarceration undergone by the petitioner from 01.12.2022, 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 No.III, Tuticorin, Tuticorin District**, and on further conditions that:

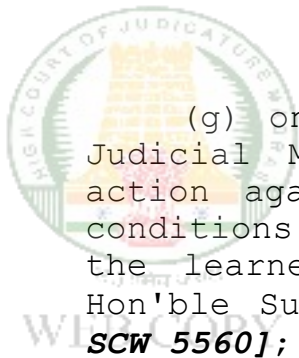
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Tenkasi and report before the Tenkasi Town Police Station daily at 10.30 a.m., and 05.30 p.m., until further orders and the petitioner shall not enter into the jurisdictional limit of the respondent Police, 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 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 FIR can be registered under Section 229A IPC.

sd/-

04/01/2023

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04/01/2023

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

TO

1. THE JUDICIAL MAGISTRATE NO.III,  
TUTICORIN, TUTICORIN DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN DISTRICT.
3. THE SUPERINTENDENT,  
CENTRAL PRISON FOR WOMEN, KOKKIRAKULAM,  
TIRUNELVELI.
4. THE INSPECTOR OF POLICE,  
SIPCOT POLICE STATION, TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,  
TENKASI TOWN POLICE STATION,  
TENKASI DISTRICT.

+1 CC to M/s.KA.RAAMAKRISHINAN, Advocate (SR-97[I] dated 04/01/2023)

ORDER

IN

CRL OP(MD) No.77 of 2023

Date :04/01/2023

USK/SSS/SAR-II/04.01.2023/3P/8C