



WEB COPY

CRL OP(MD). No.2819



23

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

Date : 13/02/2023

PRESENT

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

CRL OP(MD). Nos.2819 & 2826 of 2023

R.Jeya Vetri Kumar	... Petitioner/Accused No.1 in Cr1.O.P(MD) No.2819 of 2023
D.Monika	... Petitioner/Accused No.2 in Cr1.O.P(MD) No.2826 of 2023

Vs

The State represented by The Inspector of Police, Chinnamanur Police Station, Theni District. (Crime No.482/2022) ..	... Respondent/Complainant in both the cases
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(In both petitions)

For Petitioners : M/s.Dinesh K,
Advocate.

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

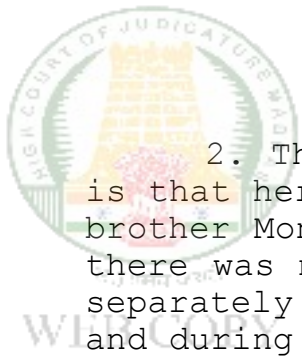
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

To enlarge the petitioners/A1 and A2 on bail in the connection with the PRC No.4/2023 pending on the file of the Judicial Magistrate Court, Uthamapalayam in Crime No.482/2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 19.10.2022 and 04.01.2023 for the offence punishable under Sections 307 and 109 of IPC @ 302,114 and 34 of IPC in Crime No.482 of 2022 on the file of the respondent police,



2. The case of the prosecution as per the defacto complainant is that her Son Duraipandian had married the daughter of his younger brother Monika six years ago and they have two children and whileso there was matrimonial dispute between them thereby they were living separately and on 19.10.2022 her son had gone to visit his children and during such time the accused who are respectively father-in-law and wife of the victim had murdered him by assaulting him with aruval, hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioner in Crl.O.P(MD) No.2819 of 2023 is the father in-law/first accused and the petitioner in Crl.O.P(MD) No.2826 of 2023 is the wife/. He would further submit that the even in the allegations made by the defacto complainant the petitioner has attempted to assault wife and father -in-law and the incident had happened during the relevant time and there was no intention of the part of the petitioners to commit the murder and the victim was the aggressor who was assaulted by the second accused/wife and the first accused intervened and the incident had occurred. He would further submit that the first accused was arrested on 19.10.2022 and the second accused was arrested on 04.01.2023 and are still in judicial custody. He would further submit that the investigation has been completed and the case is pending committal in PRC No.4 of 2023 on the file of the learned Judicial Magistrate, Uthamapalyam, thereby he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners herein are the father-in-law and wife of the deceased. He would further submit that the due to matrimonial dispute the petitioners have assaulted the victim resulting in him instant death and the complaint was not given immediately

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 and also the fact that the investigation has been completed 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, Uthamapalayam and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of the petitioners Aadhar card or Bank Pass Book to ensure their identity.



[c] the petitioners shall report before the learned Magistrate, Uthamapalayam on all working days at 10.30 am., for a period of two weeks and thereafter on the date fixed by the learned Magistrate.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/02/2023

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/02/2023

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

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION, THENI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON, MADURAI.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) Nos.2819

& 2826 of 2023

Date :13/02/2023