



CrI.OP(MD)No.13984 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 02/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.13984 of 2023

1.Petchiammal @ Maria

2.Mariammal @ Mariyammal

...Petitioners/ Accused Rank Not Known

Vs.

State rep. by
The Inspector of Police,
Ilathur Police Station,
Tenkasi District.
(In Crime No.76 of 2023)

...Respondent/Complainant

For Petitioner : Mr.A.Arputharaj,Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:- For Bail in Crime No.76 of 2023 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioners, who arrested and remanded to judicial custody, on

07/06/2023 for the offence punishable under section 174 of Cr.P.C @ 302 and 201

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IPC, in Crime No.76 of 2023 on the file of the respondent police, seek bail.

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2.The case of the prosecution is that the de-facto complainant is the Village Administrative Office of Elathur village, lodged a complaint stating that one Lakshmanan, S/o.Odaiyar came to his office, on 04/06/2023 at about 09.00 am and informed that one skeleton was found in his septic tank. He visited the above said place and found the skeleton. On the basis of the above said occurrence, a case was registered originally under section 174 of Cr.P.C. During the course of investigation, the involvement of the petitioners came to light, so, the case was altered to sections 302 and 201 IPC.

3.The petitioners were arrested and remanded to judicial custody.

4.Seeking bail, this petition has been filed by the petitioners on the ground that absolutely, no material has been collected during the course of investigation to implicate the petitioners in the above said offence.

5.Per contra, the learned Additional Public Prosecutor would submit that during the course of investigation, it was found that the first petitioner contacted one Shanmuga Ganesh, on 16/10/2022 during the night hours. The above said Shanmuga Ganesh is the friend of one Thangapandian. During enquiry or investigation, the above said Shanmuga Ganesh reveled that on 14/06/2021, the above said Thangapandian stayed in his house, at that time, this petitioner alleged



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to have contacted the above said Thangapandian. But the above said Thangapandian did not pick up the phone. Later, this petitioner contacted Shanmuga Ganesh as stated above and made enquiry. At that time, this petitioner alleged to have told that Thangapandian's father is not well. So, Shanmuga Ganesh took Thangapandian to his house. Later, Thangapandian informed Shanmuga Ganesh that this petitioner was having some illegal intimacy with one Madasamy @ Mathu. Mathu demanded the first petitioner to marry him. But she refused. Because of the above said issue, Mathu committed suicide. Then the body was hidden by them in the septic tank. This statement was given by the above said Shanmuga Ganesh.

6.In the course of investigation, it was found that this petitioner was already married to one Samydurai, on 14/01/2016. That marriage was not liked by her parents. So, occasionally used to visit the parental home. Later, she developed intimacy with the above said Madasamy @ Mathu. The above said affair came to the knowledge of the first petitioner's parents and her brother. Later, the above said Madasamy @ Mathu started harassing her and compelled her to marry. Under threat, she was made to sexual intercourse. So, she committed murder, the dead body was placed in the above said place. On that basis, now the investigation is undertaken.



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7. Even though, the learned counsel appearing for the petitioners would submit that it is a suspicious death and the petitioners involvement is not true, but on going through the CD file, this court is not convinced with the above said argument. Enough materials have been collected during the course of investigation to implicate the petitioners.

8. The manner, in which the offence said to have taken place dis-entitles the petitioners from claiming the relief of bail. If the petitioners are released bail either, they may abscond or hamper the investigation process. So, this is too premature stage to consider the bail application of the petitioners.

9. So, I find no merit in this petition. Accordingly, this criminal original petition stands dismissed.

sd/-

02/08/2023

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/08/2023

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

ER
TO

1 THE INSPECTOR OF POLICE
ILATHUR POLICE STATION,
TENKASI DISTRICT.

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- 2 THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, KOKKIRAKULAM,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13984 of 2023
Date :02/08/2023

PKP/MMS/SAR- 1/17.08.2023/ 5P/4C

Madurai Bench of Madras High Court is issuing certified
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