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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18456 of 2023

1. Varshini,
2. Harshan,

... Petitioners/ Accused No.2 & 3

Vs

State rep. by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.429/2023.

... Respondent/Complainant

For Petitioners : M/s.Susi Kumar. C
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.429/2023 on the file of the respondent police.



ORDER : The Court made the following order :-

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The petitioners / A2 and A3, who were arrested and remanded to judicial custody on 03.09.2023 for the alleged offences punishable under Section Women Missing @ 302 and 201 IPC in Crime No.429 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to money dispute, the petitioners herein have attacked the defacto complainant and committed the murder of deceased Kamalaveni . Hence the case.

3.The learned counsel appearing for the petitioners would submit that respondent police registered a case in pursuance of the complaint given by one Malarvizhi on 17.08.2023 with regard to missing of her mother Kamalaveni in Crime No.429 of 2023 for the offence under Section Women Missing and thereafter, on 03.09.2023, based on the report of the Village Administrative Officer, Sevalur, the respondent police on examination came to know that the said Saraswathi caused murder of Kamalaveni and thereafter, case has been altered into under Sections 302 and 102 IPC. Thereafter, based on the confession of Saraswathi / A1, the petitioners herein who are preparing for IAS examination and studying in Government Arts

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College, Tuticorin, respectively have been arrested and remanded to judicial custody.

Since the petitioners are only helped to their mother after the offence is made out that too after screaming of the body and they are in judicial custody from 03.09.2023 seeking to release them on bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted after the confession of A1, the deceased body was recovered along with dress and other articles and based on her confession her daughters, who are the petitioners herein were arrested and remanded to judicial custody and hence, opposing to release them on bail. He would further submit that the investigation of case has almost completed.

5. Based on the alleged confession given by the first accused Saraswathi, it is noticed that the deceased Kamlaveni came to her house on 16.08.2023 at about 9.25 am for collecting interest amount from the accused. It is seen that the accused borrowed some amount from the deceased. Since the deceased prays for payment of interest, A1 pushed her and in consequently, the deceased fell down and sustained injuries on her head and died. Thereafter, A1 with the help of the petitioners take the body of the deceased and thrown out on Well. In pursuance of the confession of A1, the body has been recovered and also the petitioners were arrested and remanded to



judicial custody.

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6. Considering the nature of allegations made against the petitioners and also considering the fact that based on the confession of first accused the petitioners herein are arrayed as accused and that they are student and that the investigation of the case almost completed and also taking into consideration the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioners.

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

(i) the petitioners shall affix their photographs and left thumb impression in the own bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners shall appear before the Court concerned on first Monday of

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every English Calendar month at 10.30 am until further orders.

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(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/10/2023
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13/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



TO
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1 The Judicial Magistrate, Manapparai.

2 Do through the Chief Judicial Magistrate,
Trichy District.

3 The Superintendent, Central Prison, Trichy.

4 The Inspector of Police,
Manapparai Police Station,
Trichy District.

5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.THIYAGARAJAN, Advocate (SR-15190[I] dated 13/10/2023)

ORDER

IN

CRL OP(MD) No.18456 of 2023

Date :13/10/2023

SSA/13.10.2023/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023