



CRL OP(MD)No.18427 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.18427 of 2023

1.Karthika

2.Sudharshini

... Petitioners/ Accused 2 & 3

Vs

The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(In Crime No.302 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.ARPUTHARAJ, 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.302 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 28.08.2023 for the alleged offence punishable under Section 174 Cr.P.C., altered into Sections 302, 114 and 34 IPC in Crime No.302 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 27.08.2023, on the instigation of A1, the petitioners along with other accused, with common intention to murder the deceased,



used pillow on the face and caused his death. Hence the case.

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3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 28.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that based on the confession statement of A1, the petitioners herein were implicated in this case. He would further submit that the investigation of this case is completed.

5.On perusal of confession statement of the first accused, it is noticed that the petitioners are the daughters of the deceased. It is alleged that due to family dispute, the wife and daughters of the deceased murdered the deceased.

6.Considering the facts and circumstances and considering 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, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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



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sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court

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No.II, Kovilpatti, Thoothukudi District and on further conditions that:

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

(iii) the petitioners shall appear before the trial Court on summons.

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

(v) the petitioners shall not abscond during trial.

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

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

sd/-
30/10/2023

/ TRUE COPY /

30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS

TO

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1 THE JUDICIAL MAGISTRATE COURT NO.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE
SPECIAL WOMEN SUB JAIL, KOKKIRAKULAM, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-15649[I] dated 30/10/2023)

ORDER IN

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Date :30/10/2023

SA/SAR. /30.10.2023/4P/7C

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