



CRL OP(MD)No.18544 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18544 of 2023

1.Selvamani

2.Mariya Violet

3.Megala

... Petitioners/ Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli City.
(Crime No.963 of 2023)

... Respondent/Complainant

For Petitioners : Mr.K.Muthurakkan, Advocate

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



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

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PRAYER :-

For Bail in Crime no.963 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 20.08.2023 for the alleged offence punishable under Section 302 IPC in Crime No.963 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the second petitioner is the mother of the deceased. The third petitioner is the daughter of the second petitioner and the first petitioner is the husband of the third petitioner. The deceased was working as a Driver and he is an alcoholic addict. He used to demand money from the petitioners for consuming alcohol. Due to the same, wordy quarrel arose between them regularly. On 19.08.2023, at about 10.30 pm., in a drunken mode, damaged the household articles. Hence, the third petitioner lodged a complaint as against the deceased. However, the deceased was not in a position to hear the police. Therefore, the police advised the second and third petitioners to stay in the first petitioner's house. On the next day, at about 06.30 am., the deceased came to the first petitioner's



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house and attacked the second petitioner. Hence, the first petitioner attacked the deceased by hands. The second and third petitioners strangled the deceased with shawl and murdered him. Hence the case.

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 petitioner is in custody from 20.08.2023 hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to the drinking habit of the deceased, there was quarrel arose between the family members and the deceased. On the date of occurrence, there was a quarrel arose between them, in which, the petitioners strangled the deceased by using shawl. Hence, he opposed to grant bail to the petitioners. However, he would submit that investigation is almost completed and they are waiting for chemical report.

5.Heard both sides and perused the materials available on record.



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6.Considering the facts and circumstances and also 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 sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.I, Tirunelveli 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;



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(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/-
16/10/2023

/ TRUE COPY /

16/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns



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TO
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1. THE JUDICIAL MAGISTRATE COURT NO.I,
TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
- 4.THE OFFICER IN CHARGE,
SPECIAL PRISON FOR WOMEN,
MADURAI.
- 5.THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI CITY.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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WEB COPY +1 CC to M/s.N.PRAGALATHAN, Advocate (SR-15263[I] dated 16/10/2023)

ORDER
IN
CRL OP(MD) No.18544 of 2023
Date :16/10/2023

RK/ (16/10/2023) 7P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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