



CRL OP(MD).No.7059 of 2024

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

Date : 08.05.2024

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE

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Sivaranjani

... Petitioner / Accused No.2

Versus

The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.
(Crime No.104 of 2024)

... Respondent / Complainant

For Petitioner : Mr.A.Ramesh, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For bail in Crime No.104 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 13.03.2024 for the offences punishable under Sections 174 of Cr.P.C., @ 302, 147, 120(b) and 201 of IPC, in Crime No.104 of 2024, on the file of the respondent police,



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seeks bail.

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2. The case of the prosecution is that the petitioner is the daughter of the deceased. The deceased was working in the canteen of TNSTC, Palanganatham Branch on compassionate grounds. The husband of the deceased died before 29 years. The petitioner along with her husband/A1 are living at Nagamalai Pudukottai. The deceased alone stayed at Thenkallupatti Village. The deceased had extra marital relationship with one Sivankalai and they were living together. It was objected to by A1 and the petitioner. But the deceased did not care for it and also refused to transfer her properties in favour of the petitioner. Hence, at the instigation of the petitioner, the other accused came to the house of the deceased, quarrelled with her and also murdered her by strangulating. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. However, she is languishing in jail from 13.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.



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6. Admittedly, the petitioner was not present at the scene of the occurrence. Even according to the prosecution, the petitioner had instigated the co-accused to commit the murder.

7. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused petitioner tampering with the witnesses and obstructing the course of justice.

8. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offence she is charged with.

9. The Court has to strike a balance between the rights of the accused (petitioner) to her liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

10. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following



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conditions by her.

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i) The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Usilampatti, Madurai District.

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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

iv) the petitioner shall not tamper with evidence or witness;

v) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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



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under Section 229A IPC.

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11. Accordingly, this Criminal Original Petition is ordered.

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08/05/2024

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08/05/2024
Sub-Assistant Registrar (Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judicial Magistrate No.II,
Usilampatti, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.

4.The Superintendent,
Central Prison,
Madurai.

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

+1 CC to M/s.A.RAMESH, Advocate (SR-5342[I] dated 08/05/2024)



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ORDER

IN

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Date :08/05/2024

ED/ /SAR- (08/05/2024) 6P / 7 C

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