



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

Thursday, the Seventeenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.23983 of 2015

SUBBULAKSHMI

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY THE SUB INSPECTOR OF POLICE
CHINNAKOVILANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.104/2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S V.SANTHAKUMARESAN Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the sole accused, in Crime No.104 of 2015 on the file of the respondent police, was arrested on 05.11.2015 for the alleged offences punishable under Sections 174 Cr.P.C., @ Sections 302 and 201 of I.P.C., and hence, seeks bail.

2. The case of the prosecution is that on 31.08.2015 the petitioner attacked her husband with Aruvamanai and caused death. In order to screen the offence, she set fire on the body of the deceased and thereby committed the offence. Originally, the case was registered under Section 174 Cr.P.C and thereafter, it was altered into under Sections 302 and 201 of I.P.C.

3.The case of the petitioner is that the marriage between the petitioner and the deceased was solemnized in the year 1997 and they had no children. The deceased used to quarrel with the petitioner in a drunken mood and harassed the petitioner. On 01.09.2015, after her coolie work, she returned home at that time, the deceased came home in a drunken mood and scolded the petitioner in filthy language. Subsequently, the petitioner went to the front room situated in the front portion of the house and washing clothes. At that time, the petitioner's husband poured kerosene himself on his body and set fire on him. On hearing his cry, the petitioner saw the incident and called the neighbours for help. The petitioner also sustained several burn injuries, while rescuing the deceased.

4.Originally the petitioner gave a complaint and the same was registered under Section 174 Cr.P.C. On seeing two antemortem injuries in the postmortem report, the respondent police tortured and harassed the petitioner and forced her to give confession statement to accept that she was the one who attacked the deceased with Aruvamanai and caused his death. The petitioner is an innocent person and she has not committed any offence as alleged by the prosecution.



5. Heard the learned Government Advocate (Crl.side) appearing for the State.

6. Considering the facts and circumstances of the case and also considering the fact that the deceased is the husband of the petitioner and on the date of occurrence, the deceased quarrelled with her in a drunken mood and the contention of the learned counsel for the petitioner is that the respondent police tortured and harassed the petitioner and obtained confession statement to that effect and she is in judicial custody from 05.11.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter as and when required for interrogation.

sd/-

17/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL, TIRUNELVELI DISTRICT.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, CHINNAKOVILANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S V.SANTHAKUMARESAN Advocate SR.No.72339

ORDER IN
CRL OP(MD) No.23983 of 2015
Date :17/12/2015

PBK/JGB-DP/SAR-II 17/12/2015 ::2P-7C::