

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16015 of 2018

1 RAJAMANI
2 RANJITHA

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KINATHUKADAVU, POLLACHI,
COIMBATORE DISTRICT.
CR.NO.134 OF 2018

[RESPONDENT]

For Petitioner : M/S.M.N.BALAKRISHNAN Advocate

For Respondent : MR. C.IYYAPPARAJ ADDL.Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.134 of 2018 registered by the respondent for the alleged offence punishable under Section 307 of IPC.

2. The case of the prosecution as per the de-facto complainant one Nagammal is that the first accused in this case one Sivakumar, who is her husband used to come in an inebriated condition everyday and he used to frequently quarrel with her and that the first accused also did not give money for the family expenses and thereby, on 06.06.2018, the defacto complainant had given a complaint before the All Women Police Station, Perur, in respect of which, CSR No.185 of 2018 was registered and that the first accused was summoned to the police station and that they were counselled and sent back. The further allegation is that the defacto complainant is pregnant and that on 11.06.2018, around 6.00p.m., the defacto complainant had gone to the temple along with her mother and while she was coming back, the first accused had told the defacto complainant that not to bring her mother home and thereby, the defacto complainant had sent her mother to Pollachi and had come back home and at that time, there was a quarrel between Al/her husband and herself. The further

allegation is that the petitioners have also joined with the first accused and quarrelled with her and thereafter, on the instigation of the petitioners, the first accused/husband of the defacto complainant had taken a kerosene cane and spilled kerosene over her and set fire on her by lighting a match stick and thereafter, ran away, due to which, she suffered burn injuries in the neck, chest and hands. Thereafter, ambulance had come and she was taken for treatment and on the complaint given by her, the respondent had implicated the petitioners along with the first accused in this case.

3. The learned counsel for the petitioners would submit that the first accused is the son of the first petitioner and the second petitioner is the daughter of the first petitioner. He would submit that there was a quarrel between the first accused and the defacto complainant and that she attempted to threaten A1 by pretending to commit suicide by pouring kerosene on herself and that is the reason she sustained injuries on the chest and hands whereas, a false complaint has been given against the petitioners as if the petitioners instigated the first accused and thereby, the first accused poured kerosene and set her on fire. He would submit that the injury said to have been suffered by the defacto complainant superficial in nature and she has also been discharged from the hospital within three days.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners, who are respectively mother-in-law and sister-in-law of the defacto complainant, had instigated her husband to set her on fire and thereby, the first accused has poured kerosene on the defacto complainant and set her on fire. He would submit that the injured has been discharged from the hospital and that the first accused has been arrested.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Pollachi, on condition that each of the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30.a.m until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I
POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KINATHUKADAVU, POLLACHI,
COIMBATORE DISTRICT

+1CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO. 13656

CRL OP.16015/2018

Date :23/07/2018

cm 31/07/2018