



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.687 of 2018

VELLAIYAMMAL

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO. 772/2017

... RESPONDENT / COMPLAINANT

For Petitioner: M/S.V.KANNAN Advocate

For Respondent: MR.K.SUYAMBULINGA BHARATHI Govt. Advocate(Crl. Side)

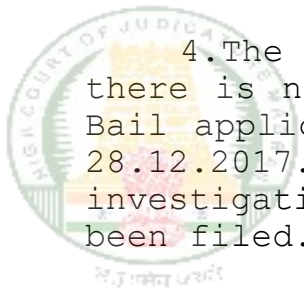
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested on 10.11.2017 for the offence under Sections 294(b), 323, 307 I.P.C. Altered into 294(b), 323, 307, 302 I.P.C. again altered into 294(b), 323, 307, 302 r/w 109 I.P.C. in Crime No.772 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a family dispute between the deceased Murugan and his brother Kannan/Accused No.1 in respect of partition of their family properties. On 23.09.2017, the first accused is said to have set fire on the deceased, by name Murugan and committed this offence. In the Government Hospital, Sivagangai, the deceased died due to the burn injuries. Hence, the respondent police registered a case against the petitioner and others and the petitioner was arrested and remanded to the judicial custody.

3.The learned counsel appearing for the petitioner submitted that based on the confession statement of A1, the respondent police have altered the offences under Sections 294(b), 323, 307, 302 of I.P.C. Again, on the basis of the dying declaration, the respondent police altered the offences under Sections 294(b), 323, 307, 302 r/w 109 of I.P.C. He further submitted that she is an innocent person and she is no way connected with the alleged offence and therefore, he prays for bail in favour of the petitioner. He also submitted that the earlier bail application in Crl.O.P.(MD)No.17459 of 2017 was dismissed by this Court on 28.12.2017.



4. The learned Government Advocate (Criminal Side) submitted that there is no change of circumstances after dismissal of the earlier Bail application in CrI.O.P.(MD)No.17459 of 2017 by this Court on 28.12.2017. He further submitted that major part of the investigation has been completed and the charge sheet has not yet been filed.

5. The submissions made by the learned counsel on either side, disclose that the case in Crime No.772 of 2017 has been registered against the petitioner for the offence under Sections 294(b), 323, 307 I.P.C. and thereafter altered into Sections 294(b), 323, 307, 302 I.P.C. and again altered into Sections 294(b), 323, 307, 302 r/w 109 I.P.C. According to prosecution, based on the dying declaration given by the deceased, this petitioner was implicated in this case as Accused No.2 and the major part of the investigation has been completed and charge sheet has not yet been filed. Considering the period of detention, the custodial interrogation of the petitioner is not necessary for completing the investigation.

6. Further, the petitioner being a lady and considering the above facts and circumstances, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner/A2 is ordered to be released on bail subject to the following conditions:

(i) the petitioner/A2 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai.

(ii) the petitioner/A2 is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 Magistrate/Trial Court herself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

17/01/2018

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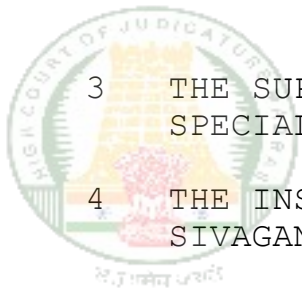
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN - CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.V.KANNAN Advocate SR.No.833

ORDER

IN

CRL OP (MD) No.687 of 2018

Date :17/01/2018

MKV-PM-SAR 3/17.1.2018/3P-7C