



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

Friday, the Twenty First day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22009 of 2018

REVATHI

... PETITIONER / ACCUSED No.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
Crime No. 134 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.THIRUVADI KUMAR Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 28.11.2018 for the offences punishable under Section 342, 307 IPC @ under Sections 342 and 302 of IPC, in Crime No.134 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.10.2018, A1/Muneeswaran along with his wife A2/petitioner and his child Sathana who was mentally retarded, went to their clan temple viz., Kathappaswamy Temple at Nagapalayam and after offering their worship, during the roaming in the premises of the temple, at about 6.00 p.m., A1 poured pesticide in the mouth of their child. Due to which the child crying. On hearing the screaming noise and crying of the child, one Kalimuthu along with one Murugan and Pandi had rushed towards the back side of the temple, where they found the child in the laps of their parents and A1 was forcibly pouring the pesticide and due to which the child fainted. On enquiry, they informed Kalimuthu that they were fed up with the child and wanted to do away her for their peaceful living. Thereafter, they brought the child to the hospital and admitted there. Then they informed about the incident to the Village Administrative Officer and the complaint has been lodged. Thereafter, the child succumbed on 06.10.2018. Hence,



the case was altered into Section 302 of IPC.

3.The learned counsel for the petitioner submits that the petitioner is a Post Graduate in Engineering. The Marriage was solemnized between the petitioner and A1 in the year 2008. They gave birth a female child on 27.05.2009 who was mentally retarded. Therefore, nobody was gave love and affection to the child and the petitioner and her husband who happened to be a drunkard always harass the petitioner. Hence, she left the matrimonial home and living with her parents along with her child under the care of his brother. For the past 9 years the child was under the care of the petitioner. Particularly, for the past 4 years only the petitioner alone taking care the child. At this stage, A1 over phone, call the petitioner for reunion. By believing the words of A1, she went to their clan temple along with him. At that time A1 suddenly committed the offence. Immediately, the petitioner brought the child to the hospital. But, unfortunately the child passed away.

4.The learned Government Advocate (Crl. Side) submits that the petitioner was a party to the act of her husband and both of them had remanded. Further, he stated that investigation in this case has been over and charge sheet has been filed before the Judicial Magistrate No.II, Srivilliputhur, on 07.12.2018.

5.Considering the facts and circumstances of the case and considering that the fact that the charge sheet has been filed before the concerned, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his 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 No.II, Srivilliputhur and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be



registered under Section 229A IPC.

sd/-
21/12/2018

/ TRUE COPY /

WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE NO II
SRIVILLIPUTHUR.
 2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 3. THE INSPECTOR OF POLICE,
MALLI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 4. THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, MADURAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.23885

ORDER
IN
CRL OP(MD) No.22009 of 2018
Date :21/12/2018

TK/PN.AC/SAR-2/21.12.2018/3P/7C