



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

Friday, the Twelfth day of October Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.18334 of 2018

1.VASANTHA

2.MAHESH

... PETITIONERS / ACCUSED NO.2 & 3

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.171/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.R.DURAIRAJ, Advocate.

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 14.09.2018 for the offences punishable under Sections 449, 294(b), 307, 109 and 302 I.P.C. and Section 4A(2)(I) of TNPHW Act in Crime No.171 of 2018, on the file of the respondent Police. The petitioners are arrayed as Accused Nos.2 and 3. They seek bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent.

3.The case of the prosecution is that the Accused No.1 and the deceased got married on 08.06.2017. Due to some misunderstanding between them, the deceased went to her parental house. She stayed in her parental house. On 26.07.2018, at midnight, the first accused went to the deceased's parental home for getting back his wife. At that time, a wordy quarrel arose between them. Therefore, the first accused took petrol from his bike and poured upon his wife and himself and set fire. Suddenly, the deceased's mother and grandmother attempted to save both of them, unfortunately, the fire spread over them. The deceased succumbed due to her injuries. It is seen from the First Information Report that on the instigation of the petitioners herein, the first accused went to the deceased's house and poured the petrol on her and died. Hence the complaint.



4.The learned counsel appearing for the petitioners would submit that the first petitioner is the mother-in-law of the deceased and the second petitioner is the brother-in-law of the deceased. They have nothing to do with the crime. He further submitted that they are no way connected with the said crime. Hence they seek bail.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that on instigation of the petitioners only, the first accused went to the deceased's house and poured petrol and set fire on both of them.

6.It is seen from the First Information Report that when the first accused came to the deceased's house to get back her wife to matrimonial home, at that time, there was a wordy quarrel between both of them and as such, he took petrol from his bike and poured petrol upon his wife and also himself and set fire. Therefore, the petitioners are no way connected with the crime.

7.Considering the above facts and circumstances and also considering the period of incarceration undergone by the petitioners from 14.09.2018, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners 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 learned Judicial Magistrate, Srivaikundam.

(ii)the petitioners shall report before the respondent Police as and when required for interrogation.

sd/-
12/10/2018

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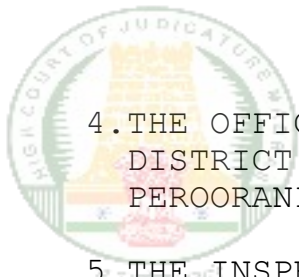
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,
SRIVAICKUNDAM, THOOTHUKUDI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3.THE OFFICER INCHARGE,
WOMEN PRISON, KOKKIRAKULAM.



4. THE OFFICER INCHARGE,
DISTRICT PRISON,
PEROORANI.

5. THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to Mr. JEYAKARTHIK, Advocate SR.No.19691.

ORDER

IN

CRL OP (MD) No.18334 of 2018

Date :12/10/2018

RAM/PN/SAR 3/12.10.2018/3P/8C