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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8981 of 2019

Lalitha

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime No.293 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Saragan,
Advocate.

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

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

PRAYER :-

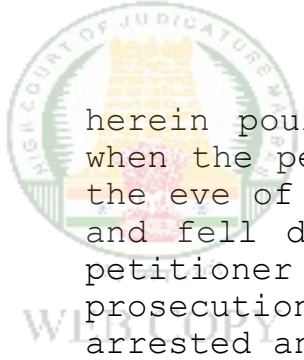
For bail petition in cr.no.293 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence under Sections 307 IPC @ 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is the wife of the deceased. He further submitted that the First Information Report was registered based on the statement recorded from the deceased. He further submitted that in the said statement , the deceased has stated that on 08.05.2019, he demanded money from the petitioner for drinking liquor and when the petitioner refused to give money the deceased went out of the house and consumed liquor and thereafter he returned home and when he was sleeping on the next day i.e., 09.05.2019 @ 6.30 am the petitioner



herein poured boiled oil on him. He further submitted that the when the petitioner was preparing food by using oil in a vessel on the eve of Chitrai Pongal, the deceased came in an inebriated mood and fell down in the boiled oil. He further submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 26.05.2019 and he is in custody for the past 47 days. He further submitted that by this time a major portion of the investigation might have been completed. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit after registering the First Information Report the case has been taken for investigation and during investigation the grand daughter of the deceased and the petitioner was examined by the investigating officer and at that time the grand daughter of the deceased had disclosed the fact that the deceased had misbehaved with her and sexually abused her and enraged by the same, the petitioner has poured boiled oil on the deceased. He further submitted that investigation not yet completed. Hence he strongly opposed to grant bail to the petitioner.

5. Taking into consideration the statement given by the grand daughter of the deceased and the petitioner that the deceased misbehaved with the grand daughter and sexually abused her and also the fact that petitioner is in custody for the past 47 days and by this time a major portion of the investigation might have been completed this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 Judicial Magistrate No.I, Sivakasi.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

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

[e] 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.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/07/2019

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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, SIVAKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/s.M.Saragan, Advocate SR.No.11650

ORDER

IN

CRL OP(MD) No.8981 of 2019

Date :12/07/2019

MS/PN/SAR-4/12.07.2019/3P.7C