

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7459 of 2020

Abirami

...Petitioner

-Vs-

The State rep. By

...Respondent

The Inspector of Police (L & O),
T-13, Kundrathur Police Station,
Chennai.

(Crime No.1101/2018)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.1101 of 2018 on the file of the respondent police.

For Petitioner : Mr.Solomon Peter

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.09.2018 for the offence punishable under Sections 302 r/w 120 (B) IPC in Crime No.1101 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the wife of the defacto complainant had illegal relationship with the second accused. Due to her illegal relationship the petitioner murdered her two children by using poison. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the investigation is completed and the respondent also laid the

charge sheet and the same has been taken cognizance by the trial Court in S.C.No.77 of 2019. In fact this Court already dismissed the bail petition filed by the petitioner and directed the trial Court to complete the trial within a period of six months by an order dated 21.04.2019. Even then, the trial Court did not complete the trial. Further there was a contradictory between the two post-mortem reports and as such there is huge possibility of getting acquittal from the trial. Therefore, the petitioner being the lady, need not undergo further imprisonment. Further he would submit that the petitioner is in judicial custody for more than 600 days and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner committed very serious offence as against her own children by administering poison, due to illegal intimacy with the second accused. He would also submit that this Court already dismissed the bail petition on several occasion on merits. While dismissing the bail petition this Court directed the trial Court to completed the trial within a stipulated time. Accordingly, the prosecution examined all the witnesses except the Investigation officer. Due to present situation viz., the Covid-19 virus spreading all over the world, the respondent could not examine the investigation officer. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the petitioner is arraigned as first accused due to illegal intimacy with the second accused, she killed her two children by administering poison and committed very serious offence against her own children. This Court already dismissed bail petitions on various occasions on merits and also directed the trial Court to complete the trial within a stipulated time. Now, the prosecution had so far examined 22 witnesses and yet to examine only the investigation officer.

6. Considering the above facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original petition is dismissed. The trial Court is directed to complete the trial as earlier, as ordered by this Court.

-sd/-
07/05/2020

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 MAHILA SESSIONS JUDGE,
CHENNAI.

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI II,
CHENNAI.

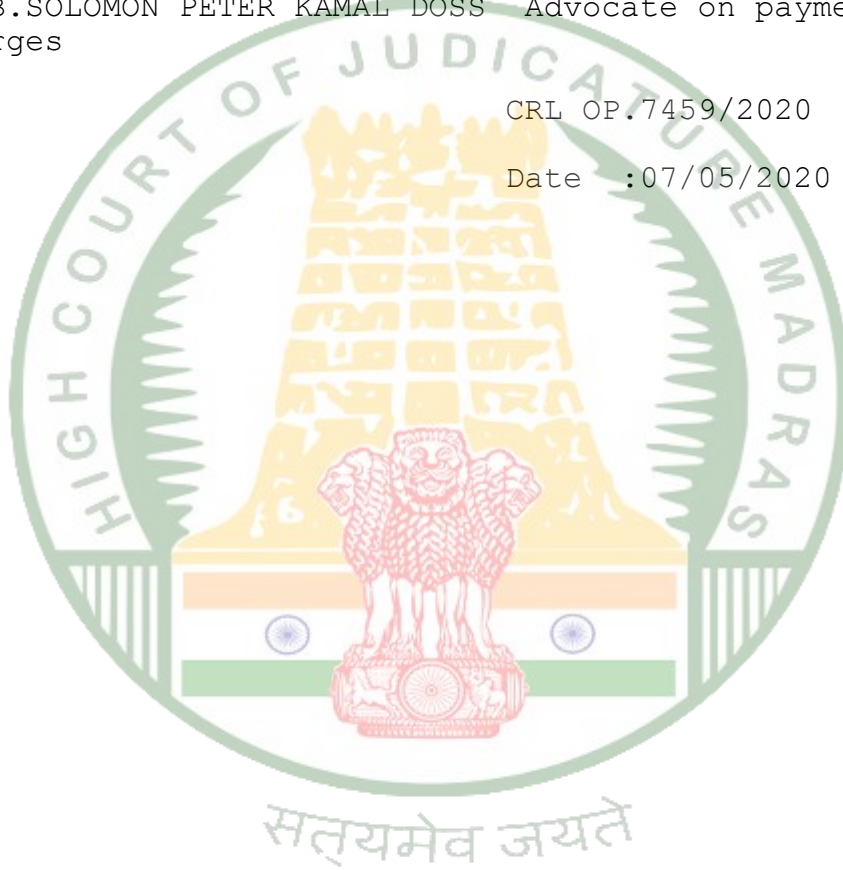
4 THE INSPECTOR OF POLICE,
T-13, KUNDRETHUR POLICE STATION,
CHENNAI.

CC to J.B.SOLOMON PETER KAMAL DOSS Advocate on payment of
necessary charges

CRL OP.7459/2020

Date :07/05/2020

TA-17/07/2020



WEB COPY