

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8654 of 2020

1. Vasantha
2. Sumithra

... Petitioners

/Vs/

State rep by
The Inspector of Police,
Pennalurpet Police Station,
Thiruvallur District.
(Crime No.319 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the petitioners/accused on bail in Crime No.319 of 2020 on the file of the Inspector of Police, Pennalurpet Police Station, Thiruvallur District.

For Petitioners : Mr.A.Balasingh Ramanujam

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

* * * * *

ORDER

The petitioners were arrested and remanded to judicial custody on 21.05.2020 for the offence punishable under Sections 188, 269, 147, 294(b) & 307 of IPC in Crime No.319 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant had a wordy quarrel with the petitioners due to some civil dispute and there was exchange of abusing words, the petitioners had pour kerosene on the defacto complainant and set her on fire. Thereafter, she was taken to the hospital and from the hospital the information was sent to the respondent police who had come there and recorded the statement of the witnesses and the case was registered.

3. The learned counsel for the petitioners submit that the petitioners and the defacto complainant are relatives and they were having dispute over the property. The victim is in the habit of threatening the petitioners that she would set fire to herself and put the blame on the petitioners. Earlier to such threat was made by her. Prior to

the date of occurrence, the complaint lodged by the petitioners as well as the defacto complainant before the respondent police and CSR was assigned on 18.05.2020 and they were called for enquiry to be appear on 19.05.2020. On 19.05.2020, the defacto complainant had set fire to herself and thereafter the petitioners have been arrived as accused in this case. In fact the petitioners who are near the scene of occurrence, brought the bed sheet, rolled over the victim and put off the fire and she was sent to the hospital. The petitioners saved the victim but the victim for the ulterior motive to grab the property from the petitioners and has given a false complaint.

4. The learned Additional Public Prosecutor submitted that the victim in this case has sustained 48% of burn injury, she has survived and her condition was considered and dying declaration was recorded and she has been discharged from the hospital and she is taking treatment as outpatient, there is some civil dispute between the petitioner and the defacto complainant, earlier to this occurrence on 18.05.2020, both the parties lodged a complaint against each other for which the CSR has been assigned. On 19.05.2020, both the petitioners and the defacto

complainant was called for enquiry. In the meanwhile, the occurrence had happened and opposed the bail application.

5. Considering the submissions, both the petitioners are female and the first petitioner is a senior citizen, the victim is now discharged and taking treatment as outpatient, there is existing civil dispute between both the petitioners and the victim. One day prior to the occurrence, both the parties have given complaint against each other and CSR is pending against them. In view of the same, the petitioners are granted bail.

6. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners were in judicial custody from 21.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison, in which the petitioners had been confined on their release;

(b) the petitioners shall execute two sureties for a sum of

Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

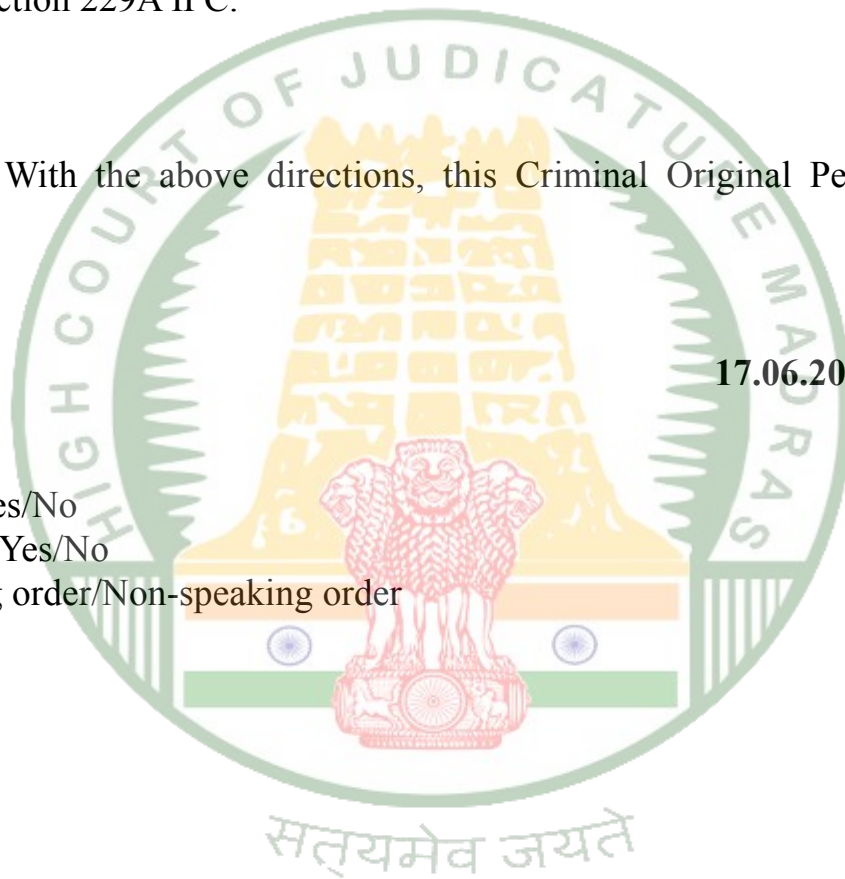
7. With the above directions, this Criminal Original Petition is ordered.

17.06.2020

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order
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To

1. The District Munsif cum Judicial Magistrate Court,

Uthukottai.

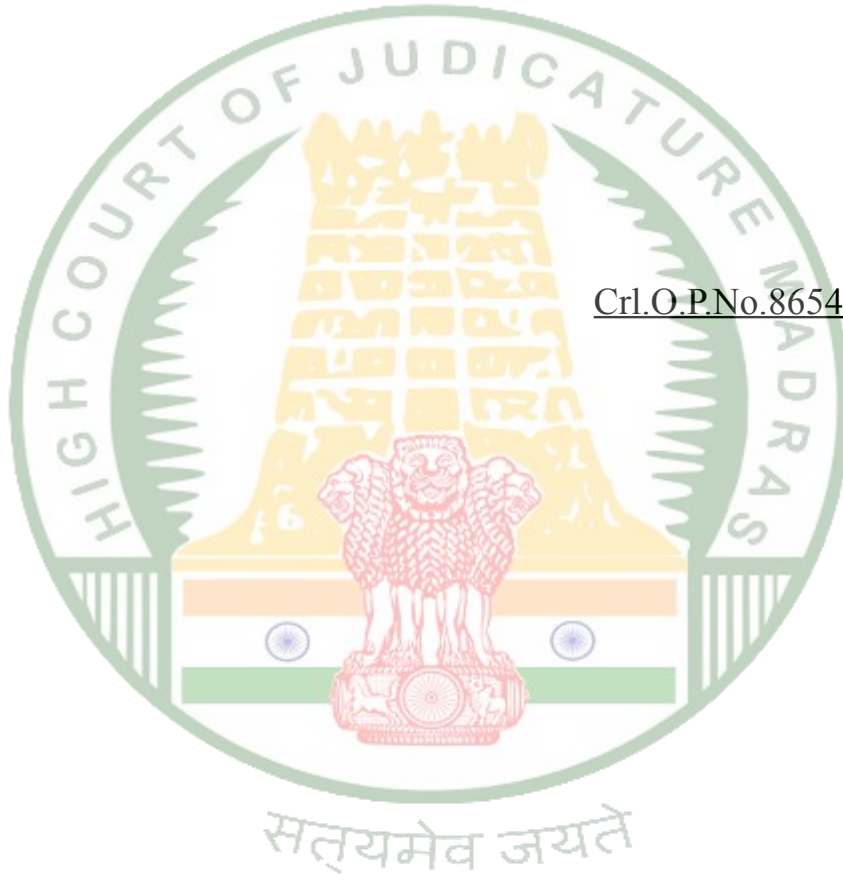
2. The Superintendent,
Central Prison (Women), Puzhal,
Chennai.
3. The Inspector of Police,
Pennalurpet Police Station,
Thiruvallur District.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR,J.
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