

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.18483 of 2020

Sagunthala

... Petitioner

Vs.

State Rep by

... Respondent

The Inspector of Police,
Veeraganur Town Police Station,
Salem District.
(Crime No.240 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.240 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Rajendiran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.09.2020 for the offences punishable under Section 174 Cr.P.C altered to 302 IPC, in Crime No.240 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Chinnadurai is that, his father Chinnasamy used to create quarrel with everyone in drunken mood, further he was in the habit of shouting at everyone in the family. While so, on 11.09.2020 at about 6.00 p.m. when the defacto complainant along with his mother went to the ration shop, at that time, at about 7.30 p.m. on the same day, his father / deceased poured petrol on himself in front of the ration shop and committed suicide and on the complaint given by him, a case in Crime No.240 of 2020 for the offence under Section 174 Cr.P.C. has been registered and during the course of investigation, it came to light that the petitioner, who is the wife of the deceased, during the quarrel, poured petrol on him and set him ablaze, hence, she was arrested on 24.09.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the deceased in a drunken mood habituated to quarrel with everybody in the village and also the members in the family and thereby there was total disharmony in the family and that on 12.09.2020 he had committed suicide by self immolation by pouring petrol on him, but the respondent police have projected the case as if the petitioner had illicit intimacy with one Anthony and that the deceased had warned and prevented her, due to which, the petitioner had poured petrol on her husband and set fire on him, due to which, he succumbed to injuries. He would further submit that one Periyasamy, who is said to be the eye witness, had been motivated to give a false complaint against the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the wife of the deceased Chinnasamy. The further allegation is that the petitioner had developed illicit intimacy with one Anthony and when it was questioned by the deceased, she had poured petrol and set him ablaze, due to which, he died. He would further submit that one Periyasamy is the eye witness to the occurrence. He would further submit that 164 Cr.P.C. statement has been recorded from the said Periyasamy.

5.Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner from 24.09.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Court-I, Attur**, and on further conditions that:

(b) 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;

(c) the petitioner on her release from prison shall stay at Villupuram and report before the Villupuram Town Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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.

-sd/-

17/12/2020

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 JUDICIAL MAGISTRATE,
NO.I, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERAGANUR TOWN POLICE STATION,
SALEM DISTRICT.

5 THE OFFICER INCHARGE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.M.RAJENDIRAN Advocate on payment of necessary charges

CRL OP.18483/2020

Date :17/12/2020