



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of April Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP (MD) No.5255 of 2020

PANDI

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR.NO.11 OF 2020.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.MUTHUSAMY for MR.S.MAYAPERUMAL, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

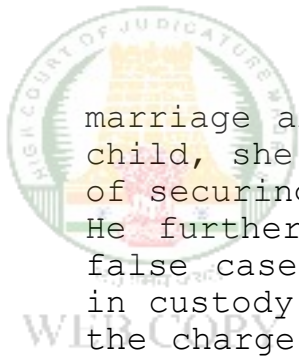
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is the sole accused, who was arrested and remanded to judicial custody on 06.01.2020 for the alleged offences punishable under Sections 294(b), 302 and 307 of I.P.C., in Crime No.11 of 2020, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 05.01.2020, the petitioner alleged to have poured gasoline and set fire on his wife in a drunken mood. Due to burn injuries, she died and during treatment, she has also given dying declaration. Therefore, the case was registered against the petitioner and he is in custody from 06.01.2020.

3. The learned counsel appearing for the petitioner submitted that the marriage of the petitioner and the deceased was love



marriage and due to the reason that they have not blessed with any child, she was frustrated and self immolated herself and at the time of securing the deceased, the petitioner himself sustained injuries. He further submitted that the respondent police has registered a false case against the petitioner. More so when, the petitioner is in custody for 108 days and the investigation has been completed and the charge sheet has also been filed and subsequently, the same was taken on file by the learned Judicial Magistrate No.II, Sivakasi in P.R.C.No.2 of 2020. Therefore, bail may be granted to the petitioner.

4. The learned Additional Public Prosecutor appearing for the State submitted that the petitioner and the deceased are husband and wife and they have not blessed with any child. Therefore, the petitioner poured gasoline and set fire on his wife with drunken mood and he was also sustained injuries. Due to burn injuries, she died and during treatment, she had given dying declaration and that itself clearly shows that her husband only poured gasoline and set fire on her. Even though the charge sheet filed, if the petitioner is granted bail, there is a possibility of absconding.

5. I have heard the learned counsel on either side and perused the records.

6. The allegation against the petitioner is that he alleged to have poured gasoline and set fire on his wife with drunken mood. Therefore, she sustained burn injuries and died and when she was admitted in the hospital, the victim had given dying declaration and while setting fire, the petitioner also sustained injuries. If he is released on bail, there is every possibilities of absconding.

7. Considering the facts and circumstances of the case and also considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this petition is dismissed.

sd/-
24/04/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: This order copy may be treated as true copy



TO

1 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

2 THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5255 of 2020

Date :24/04/2020

SDS/SKN/SAR-2 (24.04.2020) 3P-4C