



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2020

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD) . No.8591 of 2020

Pradeepa

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Vallathirakottai Police Station,
Pudukkottai District.
(Crime No.123 of 2020).

... Respondent/Complainant

For Petitioner : M/s. D. Rameshkumar, Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime.No.123 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 05.06.2020 for the alleged offences under Sections 174(3) Cr.P.C @ 302 of IPC.

2. The deceased in this case is the mother-in-law of the petitioner herein. The case of the prosecution is that on 03.06.2020 the deceased was found with burn injuries in her house. Immediately the neighbours informed the same to the defacto complainant, who is her husband and she was taken to Pudukkottai Medical College hospital for treatment and thereafter she died on 04.06.2020 at about 04.15 pm., After the death of the deceased complaint has been given by her husband doubting that the petitioner might have set fire on the deceased. Based on the complaint the case has been initially registered under Section 174 Cr.P.C and after enquiry the crime has been altered into Section 302 of IPC.



3. The learned counsel for the petitioner would submit that the deceased is the mother -in-law of the petitioner, absolutely there is no necessity for her to set fire on the deceased. Even as the First Information Report there is no serious allegations against the petitioner and only on doubt the defacto complainant has given the present complaint and no materials has been produced to implicate the petitioner herein that she was present in the scene of occurrence and set fire to the deceased.

4. The learned Additional Public Prosecutor would submit that the petitioner is the daughter-in-law of the deceased and she only poured kerosene and set fire on the deceased. Investigation also reveals that the petitioner is only involved in the said crime.

5. From the perusal of the First Information Report and the other materials available on record, it is seen that the occurrence has taken place on 03.06.2020 and the deceased was admitted in the hospital on the same day. Only after the death of the deceased on 04.06.2020 the present case has been registered. Further it is also seen that there is no serious allegation against the petitioner and only on a doubt the complaint has been filed, except the confession of this petitioner no other materials is available to implicate the petitioner herein and no material is produced to show that she was present in the scene of occurrence.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that investigation is almost completed and taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Pudukottai District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/08/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VALLATHIRAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN,
TRICHIRAPPALLI.

ORDER IN
CRL OP(MD) No.8591 of 2020
Date :19/08/2020

AAV

TE/JC/SAR-III : 19/08/2020 : 3P/6C

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