



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11302 of 2020

Rejina

... Petitioner/Accused No.2

Vs

State represented through
The Inspector of Police,
Ariyamangalam Police Station,
Trichy City Police
in Crime No.470 of 2020

... Respondent

For Petitioner : M/s.A.Syed Abdul Kather,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.470 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 307 @
302 of IPC seeks anticipatory bail.

2. The case of the prosecution is that on 31.08.2020 the first
accused poured kerosene on the deceased and set fire for the reason
that the first accused had illegal intimacy with the second accused
and due to the instigation of the second accused the first accused
decided to do away the life of his own wife and set fire on her.
Immediately she was taken to hospital and thereafter she died on
03.09.2020. Initially a case was registered under Section 307 of IPC
and subsequently it was altered to Sections 302 of IPC.



3. The learned counsel for the petitioner would submit that even according to the case of prosecution the petitioner herein is a paramour of A1 and A1 while entering into the house there was a quarrel between him and the deceased and due to which the first accused poured kerosene and set fire. Thereafter she sustained injuries and died. He further submitted that even according to the dying declaration of the deceased no specific overt act has been attributed against the petitioner and she never instigated the first accused to murder the deceased.

4. The learned Government Advocate(Crl.Side) submitted that there are two accused in this case and the petitioner herein is arrayed as A2. The first accused had illegal intimacy with the second accused who is the paramour of the first accused and only on the instigation of this petitioner to live with the first accused happily the first accused murdered the deceased by pouring kerosene and set fire on her. On the confession on the first accused it is crystal clear that only on the instigation of this petitioner the first accused had poured kerosene and set fire on her.

5. It is seen that there are two accused in this case and the petitioner herein is arrayed as A1. The deceased is the wife of the first accused. Admittedly the petitioner is a paramour of A1 and due to which the petitioner instigated A1 to do away the life of his own his wife then only they can live happily. Accordingly on the date of occurrence the first accused poured kerosene on the deceased and set fire on her, due to which on 03.09.2020 she succumbed to injuries. On perusal of the confession statement as well as dying declaration the relationship between the first accused and the second accused is admitted and as such the petitioner is also having equal role with the first accused to murder the deceased, hence this Court is not inclined to grant anticipatory bail to the petitioner.

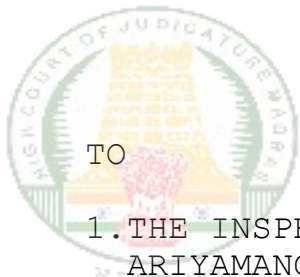
6. Hence this petition stands dismissed.

sd/-
14/10/2020

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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



TO

1. THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY CITY POLICE.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11302 of 2020

Date : 14/10/2020

AAV

PK/AKM/SAR-III/16.10.2020 : 2P/3C