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

Date : 15/10/2020

PRESENT

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

CRL OP(MD) . No.11443 of 2020

Arutselvam

... Petitioner/Accused No.1

Vs

The State by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No.793/2020.

... Respondent/Complainant

For Petitioner : Mr. S.Ramsundar Vijayraj
for M/s.Veera Associates,
Advocate.

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

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

PRAYER :-

For a Bail in Crime No.793 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 01.08.2020 for the offences punishable under Sections 174 of Cr.P.C @ sections 120(b), 302,342 of IPC on the file of the respondent police seeks bail.

2.The body of the deceased was found. Initially a case was registered under Section 174 of Cr.P.C and after the extra judicial confession before the Village Administrative Officer the offence was altered to offence under Sections 120(b), 302,342 of IPC. According to the confession of the first accused the deceased is none other than her husband. Due to domestic quarrel between the petitioner herein and the deceased she with the help of the other



accused persons herein decided to kill her husband. Therefore on 31.07.2020 the first accused administered sleeping pills with the chicken gravy to the deceased. After consuming the same the deceased while sleeping the first accused strangled the deceased with shoe lace with the help of the other accused persons.

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3. The learned Counsel for the petitioner would submit that there are three accused in this case and the petitioner herein is arrayed as A1. The second accused is the maternal aunt of the first accused and the third accused is the son of the second accused. Even according to the prosecution the first accused intended to kill her husband with the help of the other accused and on the date of occurrence the first accused administered sleeping pills along with chicken gravy to the deceased and while the deceased was sleeping the all the accused strangled the deceased with shoe lace by covering his face with polythene cover.

4. The learned Government Advocate(Crl.Side) would submit that initially a case was registered under Section 174 Cr.P.C and subsequently it has been altered to Sections 120(b), 302,342 of IPC, in which the petitioner is arrayed as A1. Due to domestic quarrel between the first accused and the deceased the first accused decided to murder him in his house and with the help of the other accused the first accused strangled the deceased with shoe lace by covering his face with a polythene bag and due to respiratory problem he died.

5. There are three accused in this case and the petitioner is arrayed as A1. According to the case of prosecution first accused had domestic quarrel with her husband, due to which she decided to murder her own husband with the help of the other accused. Hence on 30.07.2020 the first accused administered sleeping pills along with chicken gravy to the deceased and during his deep sleep the first accused strangled him with the help of shoe lace by covering his face. Further it is seen that only A1 administered sleeping pills to the deceased and strangled with shoe lace and specific overt act has been attributed only against her. Further the petitioner was arrested only on 01.08.2020.

6. Taking note of the above facts and circumstances of the case and also the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Hence the petition stands dismissed.

sd/-

15/10/2020

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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 concerned.

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- TO
1. THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN), MADURAI
 2. THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.20274

ORDER
IN
CRL OP(MD) No.11443 of 2020
Date :15/10/2020

AAV
AE/JC/SAR-IV (19.10.2020) 3P 5C