

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5170 of 2021

Jayakodi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No.59 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.59 of 2021 on the file of the respondent police.

For Petitioner : Mr. V. Regunathan

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 10.02.2021 for the offence punishable under Sections 307 and 302 of IPC in Crime No.59 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the deceased Balamurugan is the friend of the petitioner's husband. The petitioner's husband, by name, Ramalingam is a drunkard and used to torture the petitioner and also used to consume liquor in the house along with his friends and harassed the petitioner daily. In the said circumstances, the petitioner has decided to do away with her husband and mixed poison in the liquor bottle, which was already purchased by her husband and kept in the house. Thereafter, the petitioner's husband consumed the poisoned liquor and also shared it with the deceased. After consuming the liquor, both of them were taken to hospital, where, the petitioner's husband survive, but his friend Balamurugan died. Originally a crime was registered under Section 174 of Cr.P.C. Subsequently, based on the investigation, crime was altered into

Section 302 of IPC. The petitioner was remanded to judicial custody on 10.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she is no way connected with the offence. The husband of the petitioner, who purchased the liquor and kept it in the house. The petitioner has not aware that who mixed poison in it. The petitioner has no intention to cause death of her own husband, their marriage took place 19 years ago and both of them living happily. Only on suspicion, the petitioner has been arrested and remanded to judicial custody. He is in jail from 10.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the deceased is the friend of the petitioner's husband. In order to kill her husband, the petitioner has mixed poison in the liquor bottle, which was consumed by her husband and the deceased. Now, investigation is almost completed.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. It is a case of circumstantial evidence. From the materials available on records, it could be seen that the liquor bottle was purchased by the husband of the deceased and he consumed part of the liquor and share it with the deceased. As of know, except the confession of the petitioner, there is no other material available on records to show that the petitioner has mixed poison in the liquor.

7. Considering the above said facts and circumstances of the case, and also considering the period of incarceration suffered by the petitioner, 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 learned Judicial Magistrate No.II, Panruti 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 release from the prison, shall report before the respondent police as and when required for interrogation;

(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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
19/03/2021

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.II,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
SUB JAIL, WOMEN JAIL, CUDDALORE.

+1 CC to M/S.V.REGUNATHAN Advocate on payment of necessary charges SR.NO.3706

CRL OP.5170/2021

Date :19/03/2021

TA-22/03/2021