

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10191 of 2021

Geethanjali

... Petitioner/Accused No.1

Vs.

The State represented by:
The Inspector of Police,
Dusi Police Station,
Tiruvannamalai District.
(Cr.No.158 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Crime No.158 of 2021, on the file of the respondent Police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 07.05.2021, for the offence punishable under Section 174 of Cr.P.C @ Section 302 of I.P.C, in Crime No.158 of 2021, seeks bail.

2. The case of the prosecution is that on 04.05.2021, the deceased/husband of the petitioner came to home in drunken state and gave sexual torture to her, due to which, the petitioner smothered and throttled her husband and hence, he died. Initially, it was informed that the deceased committed suicide by hanging himself. Hence, a case was registered under Section 174 of Cr.P.C and thereafter, altered into under Section 302 of I.P.C.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the wife of the deceased. She got married with the deceased nine years ago and due to their wedlock, they gave birth to two children. The deceased used to torture the petitioner sexually and also used to harass her in drunken state. On the fateful day, on 04.05.2021, the deceased came to home in a drunken mood and sexually tortured the petitioner, due to which, the petitioner smothered and throttled the deceased and hence, he died. Further, he submitted that the petitioner is in judicial custody from 07.05.2021 and her children are in lurch without any shelter. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner being the wife of the deceased, murdered him by smothering and throttling. Initially, it was found that the deceased committed suicide by hanging himself. Subsequently, on perusal of the postmortem report, it was found that the petitioner smothered and throttled her husband, due to which he died. He would further submit that the investigation is pending. However, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the petitioner is the sole accused and she is none other than the wife of the deceased. They got married nine years ago and gave birth to two children. Further, it is seen that the deceased used to torture the petitioner in a drunken state and also used to give sexual torture to her. On 04.05.2021, the deceased came to home in a drunken mood and gave sexual torture to her, due to which the petitioner smothered and throttled him. Therefore he died. Thereafter, the petitioner was arrested and remanded to judicial custody on 07.05.2021 and no one is there to look after the children.

6. Considering the above facts and circumstances of the case, and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Cheyyar within a period of fifteen days from the date of lifting of lockdown and commencement of regular functioning of court below, failing which the bail granted by this Court shall stand dismissed.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
10/06/2021

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 VACATION JUDGE,
DISTRICT AND SESSIONS COURT,
TIRUVANNAMALAI.

2 THE JUDICIAL MAGISTRATE,
CHEYYAR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

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4 THE SUPERINTENDENT,
WOMEN CELL, VELLORE CENTRAL PRISON,
VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
DUSI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

CC to M/S.A.SARANRAJ Advocate on payment of necessary charges

CRL OP.10191/2021

Date :10/06/2021

cs 11/06/2021



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