



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

Date : 17/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7469 of 2021

Subbulakshmi

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.
Crime No. 88 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Arun,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

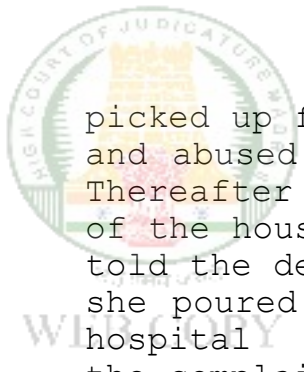
PRAYER :-

For Bail in Crime No.88 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 22.04.2021 for the offences punishable under Sections 294(b), 323 and 307 of IPC @ 294(b) and 302 of IPC in Crime No.88 of 2021 on the file of the respondent police, seeks bail.

2. The deceased is the mother of the first accused and the mother-in-law of the second accused. The first accused used to consume alcohol regularly and under the influence of alcohol he used to pick up fight with his wife. Though he was involved in selling goats he would not pay money to buy essentials. As a result both the accused used to quarrel with each other quite often. On 21.04.2021 at about 12.00 hrs the first accused came to the house and asked his wife for food. She informed that she did not prepare food. When he demanded food the second accused told him that she is not well. The first accused scolded his wife and also the deceased for not preparing food and went out of the house. In the evening at about 5.00 pm., the first accused again came back to his house and



picked up fight with his wife. The first accused called the deceased and abused her and asked her to give money for buying essentials. Thereafter the first accused had beaten the deceased and went out of the house. Then the second accused who is the daughter-in-law had told the deceased she will be at peace, if she dies only. So saying she poured kerosene over her and set fire. She was admitted in the hospital and then succumbed to burn injuries on 10.05.2021. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner was not responsible for the death of the deceased and the deceased herself committed suicide by self immolation. He would further submit that the petitioner is in judicial custody from 22.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. The prosecution alleges that the petitioner poured kerosene over the deceased and set fire but the submission of the learned counsel for the petitioner is that deceased committed suicide by self immolation. This claim and counter claim can be considered only during trial.

6. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 22.04.2021, this Court is inclined to grant bail to the petitioner

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Vilathikulam, Tuticorin District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> investigation or trial.



[e] 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]**.

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

sd/-

17/06/2021

/ TRUE COPY /

/ /2021

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, VILATHIKULAM,
THOOTHUKUDI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, KOKKIRAKULAM,
TIRUNELVELI DISTRICT.
- 4.THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION, THOOTHUKUDI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7469 of 2021

Date :17/06/2021

AAV

PK/PN/SAR-IV/17.06.2021 : 3P/6C