



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11606 of 2022

LEELADEVI

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ARCOT TALUK POLICE STATION,
RANIPET DISTRICT.
CR.NO.27/2022.

For Petitioner : M/S.D.THIRUMOORTHY, Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 174 Cr.P.C @ Sections 341, 324, 506(ii), 302, 34 & 109 of IPC in Crime No.27 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there are totally 3 accused in which the petitioner is arrayed as A3. The deceased fell in love with the daughter of the second accused. However, it was denied by the daughter of the second accused and even then the deceased compelled to love him. On the date of occurrence, namely 31.01.2022, when the deceased came to the house of the second accused, he was warned by the accused persons. Even then, he was standing there and as such the first accused poured kerosene on the deceased when he was sitting in the two wheeler and set fire on him. Thereafter, the first accused also attacked the deceased with wooden log. Thereafter, A1 and A2 poured some water on the deceased and the deceased was taken to the hospital by his brother. At that time, the petitioner herein was also present along with A1 and A2. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 3 accused in which the petitioner is arrayed as A3. The deceased fell in love with the daughter of the second accused. However, the parents are not interested to give their daughter to the deceased for his marriage. On the date of occurrence namely on 31.01.2022, when the deceased visited the house of the second accused in his two wheeler, the first accused poured kerosene on him and set fire on him. Thereafter, he also attacked the deceased with the wooden log. All the accused were present at the time of setting fire on the deceased after pouring kerosene. He had also produced the dying declaration recorded on 10.02.2022 by the learned Judicial Magistrate-II, Vellore and it revealed that the first accused poured kerosene on the deceased and as such fired on him. Thereafter, he also attacked the deceased with the wooden log and thereafter, the deceased was taken to the hospital by his brother. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the petitioner produced the audio record of the deceased and it revealed that the deceased himself poured kerosene and set fire on him due to humility. The Accused A1 and A2 poured some water and thereafter he was taken to the hospital. There is no explanation for the belated dying declaration on 10.02.2022 for the occurrence taken place on 31.01.2022. That apart, though the occurrence was took place on 31.01.2022, the FIR was registered on 13.02.2022 that too under Section 174 Cr.P.C, after recording the dying declaration, dated 10.02.2022. Though, the deceased categorically mentioned the specific overtact of the Accused A1 and A2, the respondent Police registered the case only under Section 174 Cr.P.C on 13.02.2022. On 14.03.2022, the offences were altered to the offences under Sections 341, 324, 506(ii), 302, 34 & 109 of IPC. There is also no explanation for the delay in registering the FIR and no inclusion of A1, A2 and petitioner as accused.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Arcot, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related sureties** each for a like sum to the satisfaction of the respondent



police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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[a] the petitioner and 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 Morning at 10.30 a.m. and Evening 5.00 p.m, until further orders.

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

[d] the petitioner shall not abscond either during 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/-
10/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARCOT TALUK POLICE STATION,
RANIPET DISTRICT.

+1 CC to M/S.S.P.ARTHI Advocate on payment of necessary charges
SR.NO.8910

CRL OP.11606/2022

Date :10/06/2022

TA-14/06/2022