



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.14836 of 2022

Jayanthi

.. Petitioner/A2

Vs.

State rep by,
The Inspector of Police,
Periyapalayam Police Station,
Tiruvallur
crime No.84 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.84 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.Madhan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.04.2022 for the offence punishable under Sections 294(b), 307 of IPC altered into Sections 294(b), 302 of IPC in crime No.84 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 05.03.2022 at early morning 4 o'clock, the deceased was poured kerosene on her and set her ablaze by the petitioner and two others due to previous enmity and property dispute. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner being the wife of the first accused, she has been implicated in this case. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally three accused, in which the petitioner is arrayed as A2. The deceased and the accused persons are close relatives. A1 and A2 are husband and wife, whereas A3 is the mother of A1. Due to property dispute, when the deceased went for natural call in the early morning, the petitioner poured kerosene on the deceased and set fire. He would further submit that there is a dying declaration also. Hence, he vehemently opposed to grant bail to the petitioner.

5. There are totally three accused, in which the petitioner is arrayed as A2. A1 was arrested and released on default bail. The deceased is none other than the first accused's brother's wife. The first accused's brother fell in love with the deceased and got married. Initially, the petitioner and other family members objected the love marriage. Even then, thereafter they got married and living jointly with them. While being so, on the date of occurrence, when the deceased went out for natural call, the petitioner and her mother in law poured kerosene on the deceased and the first accused i.e. the husband of the petitioner herein set fire on her, due to which she sustained grievous injuries and died. The learned Additional Public Prosecutor also produced dying declaration and it also revealed the same. However, the respondent failed to complete the investigation and did not file final report. As such, the first accused was granted bail on default clause. As far as the petitioner, she was arrested and remanded to judicial custody on 12.04.2022 and even till today, the respondent failed to complete the investigation.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of her arrest i.e. 12.04.2022, this Court is inclined to grant bail to the petitioner. 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 District Munsif cum Judicial Magistrate, Uthukottai and on further conditions 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 report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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/-
30/06/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
TIRUVALLUR

4 THE SUPERINTENDENT,
CENTRAL PRISON PUZHAI FOR WOMEN,
CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.MADHAN Advocate on payment of necessary charges
SR.NO.10338

CRL OP.14836/2022

Date :30/06/2022

JPA 01/07/2022