



Crl.OP.No.15410 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 05.06.2022 for the offences punishable under Section 307 of IPC altered into Section 302 of IPC in crime No.240 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that six years prior to the occurrence, the deceased and the petitioner loved each other and the same was opposed by the parents of the deceased. Hence, both left their village and got marriage and lived separately at Hosur and they were blessed with one male child and the deceased was doing business for supplying of M.sand of Karnataka for construction work. After sometimes, this petitioner developed illicit intimacy with one, Saravanan, who is the resident of S.Kodiur, Thirupatphur, now he is working at Hosur. On knowing their relationship, the deceased warned her to not have any relationship with him. On 04.06.2022 after completion of his work, he went to his work at 11.00 p.m. after taking dinner, this petitioner asked petrol from him for firing of the sanitary pads, hence he fetch petrol from his two wheeler and thereafter he went to bed. After sometimes, he felt heat spread on his below knee, immediately he woke up



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from the bed and found that this petitioner poured petrol on him and set fire, immediately he went to bathroom and poured water on him and poured water on the bed. Thereafter, he raised alarm. On hearing his alarm, neighbours rushed there and he was taken into Government Hospital, Hosur through 108 ambulance. After first aid, he was referred to St.Johnson Hospital, Bangalore and thereafter he was referred to Victoriya Hospital, Bangalore for further treatment. During the course of his treatment, his statement was recorded by the respondent police. Based on his statement, case was registered against the petitioner. During the treatment on 08.06.2022, he died. Hence, the case was altered into Section 302 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner is mentally retarded person and right now, she is taking treatment at Kilpauk Hospital. If this Court sees the medical report, it would reveal that she is mentally retarded person and the occurrence itself happened on her unsound mind. Therefore, the petitioner did not commit any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor produced the statement recorded from the deceased, which revealed that the petitioner had illegal



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intimacy with one, Saravanan. It was questioned by him. Even then, she continued the illegal intimacy with the said Saravanan. On the date of occurrence, she asked for petrol to set fire on the used napkins. The deceased brought the petrol from his two wheeler and on that day, during mid night, the petitioner poured petrol on the deceased and set fire on him. Initially, the case was registered under Section 304 of IPC and after four days, the deceased died and altered into offence under Section 302 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.

5. Even assuming that the petitioner is mentally retarded person, now she has been taking treatment in the Kilpauk Medical Hospital, whereas on perusal of the statement recorded from the deceased, it not revealed anything about her mental illness. That apart, the petitioner was arrested only on 05.06.2022. Therefore, this court is not inclined to grant bail to the petitioner.

6. Accordingly, the criminal original petition is dismissed.

05.07.2022

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