



Crl.O.P.No. 31109 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 21.11.2022 for the alleged offence under Sections 302 I.P.C. in Crime No.463 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Dhanapal, now deceased is the son of defacto complainant and he fell in love with the petitioner and they got married and they are having two children. Due to a family dispute between them, they were living separately and in this regard, on one occasion, A1, brother of petitioner assaulted the defacto complainant and her husband demanded to return his two wheeler vehicle's RC book, school certificates and ATM card, but she did not return the same. While so, on 20.11.2022 at about 09.00 p.m. her husband approached one Palaniappan and asked to settle the issue between him and his wife, the petitioner herein. At that time, the petitioner and A1 assaulted her husband with hands indiscriminately, wherein she instigated A1 to kill her husband and then A1 pushed down him and assaulted him with stone, due to which, he became



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unconscious and when he was taken to hospital, the doctor declared him as dead. Hence, the complaint.

3. The learned counsel for the petitioner submitted that she has not participated in the crime, in fact, the petitioner's brother pushed the deceased and fallen down and died. He would submit that she did not touch the deceased at the time of occurrence and only due to sudden provocation of her brother, which is not intentional. He would also submit that for the past 2 years, she was in her parental house, so it is not possible to take RC book of deceased bike. So, it is a created story in the F.I.R. and in fact, when the deceased attacked her, her brother tried to stop the fight, during the said course, the occurrence happened. He would submit that she is sole bread winner of the family and children are in the custody of her parents. He would submit that there is no specific overtact attributed against the petitioner and she has not at all committed any offence as alleged by the respondent police and she is no way connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 21.11.2022. Hence, he prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that due to a family dispute, the petitioner and A1 have assaulted the deceased with hands and only at the instigation of petitioner, A1 assaulted him with stone, due to which he died on the way to hospital. He would also submit that if she is released on bail, she will tamper the witnesses and hamper the investigation and the investigation is at the preliminary stage. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner, a detailed investigation is required in this case and also considering the fact that there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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