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Crl.O.P.No.31924 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31924 of 2022

1. M.Sanjeevi,
W/o. Masilamani

2. D.Lakshmipriya,
W/o. Dani

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri Dt.
(Crime No.195 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.195 of 2022 on the file of respondent police.

For Petitioners : Mr.B.Mohan

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 22.10.2022 for the alleged offence punishable under Section 307 I.P.C. And subsequently altered into Sec.302 I.P.C. in Crime No.195 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 22.10.2022, when the deceased requested the accused persons to take the coconut trees, that were on the backside of his house, but they refused to do so. Therefore, the deceased set fire on those leaves at about 09.00 p.m. and it was extinguished by neighbours. While being so, at about 12.00 a.m., on 23.11.2020, when the deceased was alone in his house, it is alleged that the petitioner along with other accused had set fire on the deceased, thereby he sustained burnt injuries and subsequently, he died. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that the petitioners are being mother and daughter and the 1st petitioner is



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survived with children. He would submit that the deceased himself set fire for the coconut trees on the date of alleged occurrence during night hours and subsequently, he died with burnt injuries, for which, they are no way connected with the occurrence and they have been falsely implicated in the present case. He would submit that now the injured also discharged from the hospital and they are in custody for more than 60 days from 23.10.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that dying declaration was recorded and as per his statement, the petitioners are the reason for the said alleged incident. He would submit that the investigation is almost completed. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.

5. Considering the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioners,



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this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 Court, Pennagaram** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for the period of three months.

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the



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learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.12.2022

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To

- 1.The Judicial Magistrate,
Pennagaram.
- 2.The Inspector of Police,
Papparapatti Police Station,
Dharmapuri Dt.
3. The Superintendent
Central Prison for Women, Salem.
- 5.The Public Prosecutor,
High Court of Madras,
Chennai.



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T.V.THAMILSELVI , J.

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