



CRL OP(MD). No.21555 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 11/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21555 of 2023

Rajeswari

... Petitioner/ Accused No.1

Vs

The Inspector of Police,  
Vaiyampatty Police Station,  
Trichy District.  
Crime No.365/2023.

... Respondent/Complainant

For Petitioner : M/s.Ebenezer.T.A,  
Advocate.

For R1 : Mr.RMS.Sethuraman,  
Additional Public Prosecutor

For Intervenor : Mr.C.Muthusaravanan, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.365 of 2023 on the file of the respondent police.



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**ORDER :** The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 08.11.2023 for the alleged offence punishable under Sections 294(b) and 306 of IPC, in Crime No.365 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the father of the deceased. The petitioner and the deceased are the husband and wife. On 03.08.2023, at about 10.00 a.m, due to family dispute, the deceased went to the working place of the petitioner in drunken mode and asked her to return matrimonial home. But, the petitioner abused the deceased in filthy language. Thereby, the deceased consumed poison. Immediately, he was taken to the hospital. However, he died. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was sexually abused by the complainant and his other two sons. Further, as per the partition, the deceased enjoyed the property on the highways. When the deceased in drunken mode, they obtained a sale deed in favour of them. Hence, the deceased made quarrel with them.



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Due to that problem, the petitioner left the matrimonial home and went to her maternal home. He would further submit that the petitioner is a woman and she is in custody for more than a month. Further, A3, A4, A5 & A6 were granted anticipatory bail by this Court. Hence, he seeks bail.

4. The learned counsel for the Intervenor would submit that the petitioner and the deceased are the husband and wife. They have 3 children. Prior to the death of the deceased, the petitioner has illegal intimacy with one Senthilkumar, who is the distance relative of the petitioner. Even though, the petitioner was warned by the deceased and his family members, she continued the same. In such circumstances, on 29.07.2023, the said Senthilkumar went to the house of the deceased for giving invitation. When he was talking with the petitioner, the same was questioned by the deceased. Hence, there was wordy quarrel. In this regard, they made complaints before the Vaiyampatti Police Station against each other. Since it was a family dispute, the police advised the Sethilkumar and the petitioner and gave CSR.No.549 of 2023 to the deceased. After that occurrence, the petitioner did not take care of her children properly and went to her maternal home. When the deceased went to the working place of the petitioner, she only abused him in filthy language and insisted him to consume poison. Hence, he strongly objected to grant bail to the petitioner.



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5.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there are 6 accused are involved in this case. The petitioner is arrayed as A1. There was illegal intimacy between her and said Senthilkumar. On the complaint given by the deceased dated 29.07.2023, the petitioner given an undertaking before the Vaiyampatti Police Station that she would not make any illegal contact with the Senthilkumar directly or indirectly. Per contra, she continued the relationship with the Senthilkumar. Because of that, the said occurrence was happened. Hence, he strongly objected to grant bail to the petitioner.

6. Considering the gravity of the offence committed by the accused, this Court is not inclined to grand bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-  
11/12/2023

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/12/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

dss



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TO  
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1. The Superintendent, Women Prison, Central Prison, Madurai..
2. The Inspector of Police,  
Vaiyampatty Police Station,  
Trichy District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER  
IN  
CRL OP(MD) No.21555 of 2023  
Date :11/12/2023

RK /VR(26/12/2023) 5P / 4C

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