

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, MADURAI.

PRESENT: THIRU. M.THANDAVAN, B.L.,

(I Additional District & Sessions Judge, Madurai)

PRINCIPAL SESSIONS JUDGE (i/c.) MADURAI.

(AUTHORISED U/S.10(3) OF CR.P.C.)

Thursday, this the 20th day of August -2020.

CrI.M.P.No.3735/2020

Keetheeswari @ Amutha, W/o.Sivaraja @ Sakthi ... Petitioner/Accused.

Vs

State through the Inspector of Police,

Austinpatti P.S. Cr.No.865/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.Gnanavel, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

- 1.Bail application u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 307 of IPC.
3. Heard.

4. The case of the petitioner is that the date of occurrence was on 25.7.2020 and the accused was remanded into judicial custody on the same date and he is in custody for the past 27 days. The petitioner has not committed any offence as stated by the prosecution. The petitioner is the wife of the deceased. The defacto complainant is the daughter of the deceased as well as the petitioner. The deceased was doing the lorry business outside of the locality as there is no sufficient income in sewing provision. During the lorry business the deceased had illegal intimacy with a woman. Since, the deceased was often

talking with her, there was quarrel between the deceased and the petitioner. The petitioner was mentally depressed due to the activities of the deceased. The petitioner was not present at the time of occurrence and place. Subsequently, the injured died in the hospital after 2 days from the date of occurrence. The daughter of the petitioner aged about 21 years is living alone in her house without any protection. Since the petitioner is mentally depressed the petitioner has to undergo the treatment from the proper medical practitioner. The petitioner has not committed any offence, as alleged by the prosecution. The petitioner is ready to abide by any condition imposed by this court and prays to grant bail.

5. It is argued on the part of the respondent that the date of occurrence was on 25.7.2020, the defacto complainant is the none other than the daughter of the petitioner. The deceased was the father of the defacto complainant. The petitioner suspected the deceased, therefore, on the date of occurrence, she put the Ammi Kulavi on the head of the deceased, while he was sleeping and murdered him. It has not been proved by the petitioner that she is mentally ill. The petition has been filed for the offence u/s. 307 IPC. But, the case has been altered u/s. 302 IPC, as the injured died subsequent to the occurrence, that has been suppressed on the part of the petitioner. The own daughter alone has given the complaint against the petitioner. Therefore, the version put forth by the petitioner that the petitioner is suffering from mental illness is not at all believable. The investigation is in preliminary stage and strongly objected in granting bail to the petitioner.

9. A careful perusal of the records and the arguments of both sides indicates that the investigation has not been completed. It is admitted by the petitioner also that the deceased died subsequently to the occurrence. Therefore, it is evident that the case is not registered u/s.307 IPC and it is altered u/s.302

IPC. Therefore, considering the gravity of offence, and strong objection on the part of the respondent, the petition deserves to be dismissed.

10. In the result, the bail Petition is dismissed.

Pronounced by me in Camp Court on the 20th day of August -2020.

Sd/-M.Thandavan,
Principal Sessions Judge (i/c.),Madurai.

Copy to

1. The Judicial Magistrate concerned.