



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Second day of December Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.24599 of 2015

MR. AROKIYA MARY

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY THE SUB INSPECTOR OF POLICE
TOWN POLICE STATION,
PALANI,DINDIGUL DISTRICT,
CR NO.897/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. S.ANAND CHANDRASEKAR Advocate
M/S.SARVABHAUMAN ASSOCIATES

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 27.11.2015, for an alleged offence punishable under Section 306 IPC, in Crime No.897 of 2015 on the file of the respondent police and hence, seeks bail.

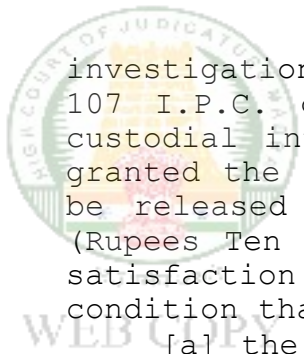
2.The case of the prosecution is that the petitioner's son/A1 married the daughter of the de-facto complainant on 11.09.2011 and thereafter, the petitioner and the first accused caused mental stress to the daughter of the defacto complainant which driven her to commit suicide by hanging.

3 The counsel for the petitioner submitted that the bail petition filed in Cr.M.P.No.9715 of 2015 before the Judicial Magistrate, Palani was dismissed on 30.11.2015 on the ground that the offence alleged against the petitioners is exclusively triable by the Sessions Court. Therefore, the petitioner along with the first accused filed a petition before the Principal District Court, Dindigul seeking bail in Crl.M.P.No.3320 of 2015 wherein the first accused was granted bail and the petition was dismissed as against this petitioner. He would further submit that in the complaint given by the defacto complainant no serious allegations have been alleged as against the petitioner and the petitioner is innocent person. Hence, he prays for grant of bail to the petitioner.

4.The Government Advocate (Crl.side) would strongly oppose for the grant of bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5.On consideration of the facts and circumstances of the case and the submissions made, this Court is of the view that it is for the



investigation agency to decide as to whether the ingredients of Section 107 I.P.C. get attracted or not and at present there is no need for custodial interrogation of the petitioner. Hence, the petitioner can be granted the relief prayed for. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Palani and on further condition that:

[a] the petitioner shall report before the respondent police twice a day daily at 10.30 a.m. and 6.30p.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court herself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

6.The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
22/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PALANI.
 - 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE SUB INSPECTOR OF POLICE, TOWN POLICE STATION,
PALANI, DINDIGUL DISTRICT,
 - 5 THE OFFICER INCHARGE, SUB JAIL, NILAKOTTAI.
- +1. CC to M/S SARVABHAUMAN ASSOCIATES Advocate SR.No. 75908.

TS/22.12.2015/2P-7C/SK-SKN/SAR - II