



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

Monday, the Twenty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18701 of 2018

S.MUTHUMARI

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
B-6, JAIHINDPURAM (L & O) POLICE STATION,
MADURAI DISTRICT.

(IN CRIME NO. 669 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.KUMARAVEL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

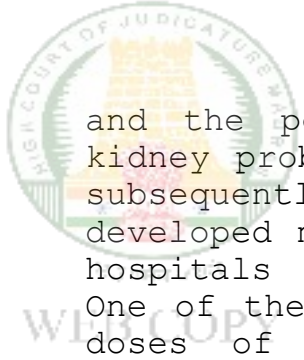
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 302 and 309 of IPC in Cr.No.669 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the mother of the three years old child namely Vishka and she herself made attempt to commit suicide. On 09.10.2018, the Village Administrative Officer of Madakulam received an information from his Assistant that a girl child by name Vishka was found dead in the second floor of the petitioner's house and the found that the body of the child was cut with knife on neck, left shoulder and on enquiry, he came to know that on the same day at about 06.30 a.m the petitioner had murdered her daughter and made an attempt to commit suicide and the same was witnessed by her mother Banumathi , Thereafter the petitioner was taken to hospital and on receipt of complaint a case was registered.

3. The learned counsel for the petitioner would submit that the marriage between the petitioner and one P.Senthil Kumar on 12.03.2014 and they were living happily at Goripalayam, Madurai. After three months the petitioner was taken to Canada since Senthil Kumar was working in Canada. Subsequently they came to India



and the petitioner got job at Chennai. The petitioner suffered kidney problem and took treatment in Apollo Hospital, Chennai and subsequently she was discharged from hospital. Thereafter she developed mental ill health and she was given treatment in various hospitals including Ram Psychiatry Hospital, Anna Nagar, Madurai. One of the doctor says that during earlier treatment due to heavy doses of steroid only she suffered mental ill-health, taking advantage of her mental state of mind, she has been falsely implicated in this case. He would also submit that the petitioner's daughter body was found in the second floor, whereas the petitioner was living along with her mother in the first floor and there is no eye witnesses to the scene of occurrence. He would also submit that the petitioner has also consumed poison and she was first taken to private hospital, Jaihindpuram hospital and later taken to Rajaji Government Hospital, Madurai.

4. The learned Government Advocate(Crl.Side) would submit that deu to domestic quarrel between the petitioner and her husband, she has planner to murder her daughter. He has also produced the CCTV footage from the Reliance Fresh Store from where the petitioner had purchased the knife and mosquito repellant on the previous day itself. He would also submit that investigation is at the preliminary stage and waiting for viscera report. He would also submit that earlier petitioner was enquired by the respondent police while taking treatment in the Government hospital, Madurai and the respondent police was aware of the treatment given to the petitioner.

5. This Court has already granted interim bail to the petitioner and she was referred to the Government Rajaji Hospital for treatment for her mental ill health and asked the Dean to submit a report before this Court.

6. As per the order of this Court a report from Dr. Rajasundari, Assistant Professor, Department of Psychiatry, Government Rajaji Hospital was received by this court. The Doctor has given a following report :

" During the period of observation her sleep was disturbed, personal hygiene was poor and her food intake was adequate. Her psychomotor activity was increased. Mental status examination revealed that she is conscious, oriented to all the three sphere. Her talk was excessive, spontaneous irrelevant and at times relevant and coherent, to the given questions. Her mood was irritable. She had thought disturbances in the form of flight of ideas, delusion of grandiosity and delusion of persecution present. Perceptual abnormality in the form of second person auditory hallucination present. Her attention was arousable, but ill sustained. Her abstraction was impaired. Her judgment was impaired with absent insight. Past history of psychiatric illness was present, during 2017 and July 2018 and patient was treated by private psychiarist.

Blood and urine investigation were normal. ECG- normal.



Clinical Psychologist opined that his psychometric profile showed features of affective disorder and psychosis, possibility of mania with psychotic symptoms.

Based on history, psychiatric evaluation and psychological assessment she is suffering from Bipolar Mood disorder- current episode mania with psychotic features, a type of major psychiatric illness. She needs continuous treatment because of its chronic nature".

5. Taking into consideration the facts of the case and the submissions by learned counsels and the mental ill-health of the petitioner and the medical records find that the act of the petitioner could fall under general exception, in view of the same this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Madurai on condition that the petitioner shall 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter as and when required for interrogation

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

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

[e] 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. IV,
MADURAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3. THE INSPECTOR OF POLICE,
B-6, JAIHINDPURAM (L & O) POLICE STATION,
MADURAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.KUMARAVEL Advocate SR.No.41932

ORDER

IN

CRL OP(MD) No.18701 of 2018

Date : 21/01/2019

AE/VR/SAR1/24.01.2019/4P/6C