

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.6112 and 6187 of 2020

VALLIAMMAL

[PETITIONER / ACCUSED
IN CRL.OP.NO.6112 AND 6187/2020]

Vs

STATE REP. BY [RESPONDENT
THE INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
THIRUPALAIVANAM POLICE STATION,
TIRUVALLUR DISTRICT.
(CR. NO.39/2020)
(CR. NO.38/2020)

For Petitioner : M/S. K.S.ARUMUGAM Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.6112 of 2020, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **306 IPC in Crime No.39 of 2020** on the file of the respondent police, seeks anticipatory bail.

The petitioner in Crl.O.P.No.6187 of 2020, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **306 IPC in Crime No.38 of 2020** on the file of the respondent police, seeks anticipatory bail.

2.1. In Crime No.38 of 2020, the case of the prosecution as per the defacto complainant Senthil, Village Administrative Officer of Thiruvallur District is that a body of a 30 years old woman was found floating near Pazhaverkadu, Madura Thonirevu Kuppam, based on which a complaint was registered.

2.2 In Crime No.39 of 2020, the case of the prosecution is that a body of a 40 years old woman was found near the sea shore in Pazhaverkadu, Madura Thonirevu Kuppam. Based on that, two cases were registered under section 174 Cr.P.C. During the course of the investigation, it was found that two ladies had committed suicide due to a family dispute. Further investigation revealed that there was a

dispute in the family and it was found that the deceased were the wife and daughter of one Ravi and that there was dispute due to which Ravi had assaulted his brother Siva due to which Siva's son had later assaulted the deceased/Veerammal and her husband by slippers and Siva had snatched the swami maalai and being humiliated by the said acts, victims had committed suicide.

3. The learned counsel for the petitioner submitted that there was dispute between the brothers and that the arrested accused and his son have assaulted the said Veerammal and her husband; as far as this petitioner is concerned, she has been falsely implicated in this case, since she is the wife of the arrested accused by name Siva. There was absolutely no allegation against this petitioner as if she abetted the victims to commit suicide. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submit that the deceased are the petitioner's co sister and her daughter. There was family dispute due to which the husband of the petitioner and son of the petitioner assaulted husband of the deceased with slippers and also snatched the swami maalai worn by him. Being humiliated, the victims committed suicide by drowning themselves in water. He would submitted that arrested accused are still in custody. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and submission made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of thirty days from the date on which the order copy made ready, before the learned **Judicial Magistrate-II, Ponneri**, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 229A IPC.

-sd/-

17/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPALAIVANAM POLICE STATION,
TIRUVALLUR DISTRICT.

+2 CC to M/S. K.S.ARUMUGAM Advocate on payment of necessary charges SR.NO. 5203,5204

CRL OP.6112 AND 6187 /2020

Date :17/03/2020

RD 22/05/2020