

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8421 of 2020

Asha Kumari

... Petitioner

Vs.

State Repted by the Inspector of Police,
SIPCOT Police Station,
(Crime No.349 of 2020).

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner/sole accused on bail pending investigation in Crime No. 349 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.DuraiMurugan

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 03.05.2020 for the offence punishable under Sections 294(b) and 302 IPC in Crime No.349 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the husband of the petitioner. On 02.05.2020, the petitioner was feeding food to her child who is five years old and the child was not eating food. Hence, the petitioner shouted at the child due to which, the child was weeping. When the same was questioned by the deceased, wordy quarrel arose between them. At that time, the petitioner stabbed her husband with knife due to which, he succumbed to the injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the deceased were living as a nuclear family with their 5 year old child at BHEL Township quarters. The petitioner was a lovable wife and she has no reason to stab her husband. On the complaint of Sabithri Devi/mother-in-law of the petitioner, the petitioner was called for enquiry. Since, the petitioner came from Jarkhand, she could not understand the local language during the enquiry and that the explanation given by the petitioner was not understood by the Investigating Officer. Only on the ground of suspicious, the petitioner was arrested. Further he would submit that the petitioner should take care of her five year old child as well as she is pregnant for four months and therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the deceased is the husband of the petitioner. On 02.05.2020, there was some quarrel with regard to feeding food to their five year old child. When it was questioned by her husband, she stabbed her husband with knife who succumbed to injuries. Thereafter, the petitioner was called for enquiry and found the reason for the death of her husband is that the petitioner has stabbed him with knife. Hence, she was arrested and major part of the investigation is completed. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts of the case and the period of incarceration undergone by the petitioner and the fact that the petitioner has got five years old child as well she is pregnant for four months and that the major part of the investigation is completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

a) The petitioner shall execute her own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a

period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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].

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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6. With the above directions, this Criminal Original Petition is ordered.

11.06.2020

vsn

To

1. The Judicial Magistrate,
Ranipet.
2. The Inspector of Police,
SIPCOT Police Station,
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Women Prison,
Vellore.



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M.NIRMAL KUMAR, J.

vsn



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