

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 8406 of 2020

Kavitha

... Petitioner

-vs-

State Rep. by Inspector of Police,
Kurisilapet Police Station,
Vellore District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 253 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 25.05.2020 in Crime No. 253 of 2020 which was registered by the Respondent for the offence punishable under Section 174 of Criminal Procedure Code, 1973, and later altered to offence punishable under Section 306 of the Indian Penal Code, 1860, seeks bail.

2.The case of the prosecution is that the de-facto complainant, Sakthi was married earlier and out of the wedlock he had a daughter, viz., Janani. His wife died and thereafter, he was living in relationship with the Petitioner. The Petitioner had a son through her earlier marriage and subsequently, the Petitioner used to quarrel with the de-facto complainant and his daughter asking for a share in his property. On a fateful day, the Petitioner scolded the victim/daughter of the de-facto complainant and pursuant to which, the Victim had died by committing suicide. Earlier the case has been registered under Section 174 of Criminal Procedure Code, 1973, and later it has been altered to Section 306 of the Indian Penal Code, 1860.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that after the

death of the wife of the de-facto complainant, he had started living with the Petitioner. The Victim, who did not like the relationship, committed suicide by hanging. However, the entire blame has been put on the Petitioner though the deceased has committed suicide because of the her father's relationship with the Petitioner. He would further submit that the Petitioner has been arrested and remanded to judicial custody on 25.05.2020.

4.The learned Additional Public Prosecutor would submit that the Petitioner who is living in relationship with the de-facto complainant tortured the deceased and the de-facto complainant stating that she should be given a share in the property of the de-facto complainant. Unable to bear the torture of the Petitioner, the deceased has committed suicide, and opposed for granting bail.

5.Taking into consideration of the facts and circumstance of this case, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing 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 and thereafter on her release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No. II, Thiruppathur within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 Judicial 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.

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

-sd/-
26/06/2020

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, THIRUPPATHUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, FOR WOMEN, VELLORE

3 THE ADDL. PUBLIC PROSECUTOR
MADRAS HIGH COURT, MADRAS

4 THE INSPECTOR OF POLICE,
KURISILAPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.8406/2020

Date : 26/06/2020

rd 27/07/2020

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