

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8487 of 2020

Fathima @ Pathima

... Petitioner

Vs.

The Inspector of Police,
Palladam Police Station,
Tiruppur
(Cr.No. 1247/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on Bail in Crime No. 1247 of 2020 on the file of the respondent police.

For Petitioner : Mr . J. Franklin

For Respondent : Mr.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2020 for the offence punishable under Sections 174 Cr PC and 306 and 201 IPC in Crime No. 1247 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1/Faisal Ahamed and the deceased are husband and wife and they got married on 11.12.2016 and they have two children. On 13.05.2020 at about 7.00 a.m., there was a quarrel between the deceased and her husband/Faisal Ahamed/A1. The petitioner/mother-in-law of the deceased who was staying in the adjacent house had gone to compromise them. Again at about 8.00 a.m, the deceased and her husband quarreled with each other following which, the deceased went to bed room and hanged herself. Thereafter, she was taken to hospital where she was declared dead. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the mother of A1/Faisal Ahamed and mother-in-law of the deceased and she is residing separately. On 13.05.2020 at about 7 a.m., the husband of the deceased had requested to prepare some tea which was refused by the deceased due to which, a quarrel arose between them. The petitioner who was living in the adjacent house had come there and pacified them and thereafter she left. Again at about 8 a.m., a quarrel arose between the husband and wife due to which, the deceased had gone to the bed room

and hanged herself and committed suicide. On coming to know about the hanging, the petitioner along with others had taken the deceased to the hospital immediately for treatment and the petitioner has been falsely implicated since she is the mother-in-law of the deceased. He would further submit that the petitioner is in judicial custody from 15.05.2020 and therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 Faisal Ahamed and the deceased are husband and wife and their marriage had taken place in the year 2016 out of wedlock, they got two children. On 13.05.2020 the deceased due to fight and harassment by her husband as well as the petitioner committed suicide by hanging and that the petitioner and her son/A1 are the abettors. The defacto complainant had given detailed version with regard to the harassment and torture given to the deceased. The petitioner and her son/A1 are the reason for the death of the deceased. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the submissions and placed materials and also the

period of incarceration by the petitioner and the fact that the petitioner who is the mother-in-law of the deceased was residing separately, this Court is inclined to grant bail, 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 her 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 lock down 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.

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

11.06.2020

Mpa

To

1. The learned Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur.
3. The Public Prosecutor,
High Court of Madras,
Chennai-104.
4. The Superintendent,
Central Prison, Coimbatore.

M.NIRMAL KUMAR.J.

mpa



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