

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.8515 of 2020

Mahalakshmi, 31 years,
W/o.Jagan,
Muthumariamman Kovil Street,
Enthathur,
Maduranthagam,
Chengalpattu District.

.. Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
(Crime No.722 of 2020)

.. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
praying to enlarge the petitioner/accused on bail and release him from the
custody in Crime No.722 of 2020 pending on the file of the respondent
police.

For Petitioner : Mr.E.Parthiban
For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2020 for the offences punishable under Sections 302 and 309 of Indian Penal Code, in Crime No.722 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has committed murder of her own daughter who is aged about 10 years by dropping her in the well and the petitioner had also jumped into the well to commit suicide. Mr.Elumalai, owner of the well had saved the accused but could not save the daughter of the petitioner. Thereafter, the said Elumalai has informed about the incident to the Village Administrative Officer, who had lodged the complaint and the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner and three children are living in poverty and during the covid-19 period without any employment the petitioner was unable to sustain

and provide food to their children and to her husband. Due to the prevailing restrictions of covid-19 she was pushed to the extreme step of committing suicide and she is the victim of the circumstances and prayed for bail.

4.The learned Additional Public Prosecutor submitted that the petitioner has three children, apart from the 10 day old infant and attempted to commit suicide along with her child. Mr.Elumalai, owner of the Well had saved the accused but could not save the infant of the petitioner. Thereafter, he had informed about the incident to VAO, who had lodged the complaint and the case came to be registered. Though it is a pitiable case due to the prevailing restriction of lock down and out of the poverty the petitioner committed such offence that does not automatically give her a right for bail. Hence, he opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact of impending situation and poverty, further the petitioner is in judicial custody from 10.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) The petitioner shall execute his own bond for a sum of Rs.5,000/- (Rupees five thousand only) before the Superintendent of the concerned prison, in which the petitioner have been confined on their 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.

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

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11.06.2020

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Index : Yes / No

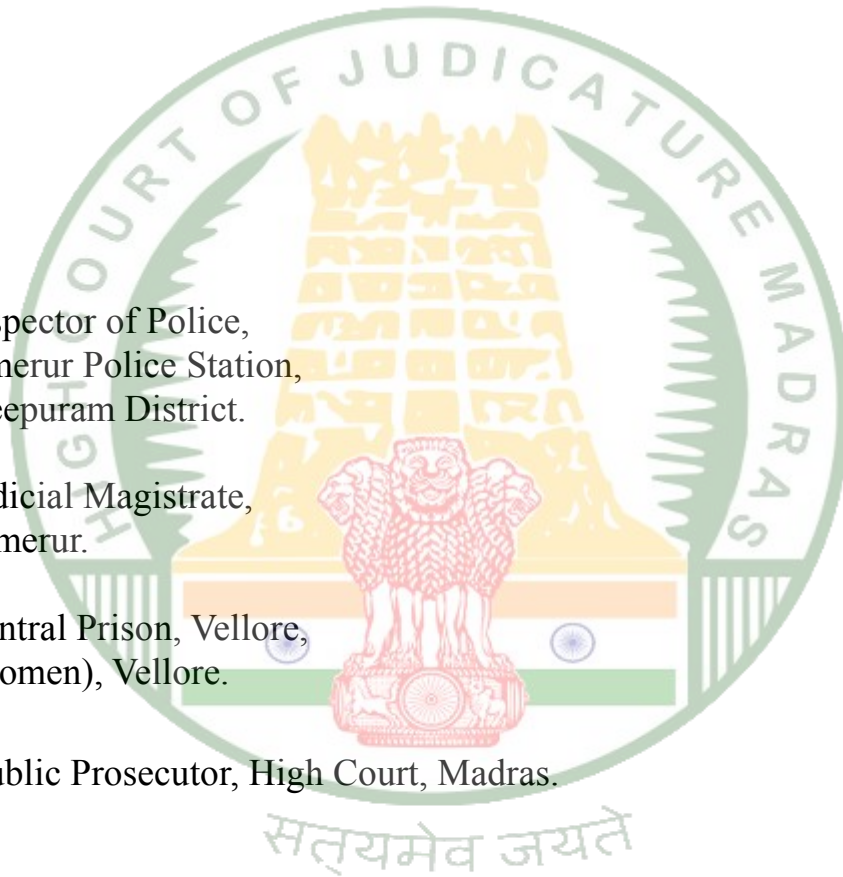
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M.NIRMAL KUMAR, J.,

gbi

To

- 1.The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
- 2.The Judicial Magistrate,
Uthuramerur.
- 3.The Central Prison, Vellore,
(For women), Vellore.
4. The Public Prosecutor, High Court, Madras.



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