

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

Crl.O.P.No.8525 of 2020

1. Sangeetha (F/34),
W/o. Saravanan,
No.5/30, South Street,
Kovilpalayam Village,
Perambalur District.

2. Asalambal (F/50),
W/o. Illangovan
No.4/81, North Street,
Kovilpalayam Village,
Perambalur District.

... Petitioners/A2 & A3

State represented by,
The Inspector of Police,
Kunnam Police Station,
Perambalur District.

(Crime No.753 of 2020)

Vs.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of the Code of Criminal Procedure to enlarge the Petitioner on bail in Crime No.753 of 2020 pending on the file of the respondent police.

For Petitioners	:	Mr.K.Balu
For Respondent	:	Mr.M.Mohamed Riyaz Additional Public Prosecutor



WEB COPY

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 of Cr.P.C., @ under Sections 294(b) and 306 of IPC in Crime No.753 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on the complaint lodged by the husband of the deceased alleging that he got married the deceased and after completing 7 years of marriage life, she eloped with some other person and she was living separately. After a period of 13 years, again the deceased returned to her matrimonial house and joined with the defacto complainant before 6 months from the date of occurrence. While so, the neighbors/A1 to A3 had scolded the deceased and also damaged her conduct. Therefore, the deceased committed suicide by setting fire on her own on 21.05.2020 and succumbed to injuries sustained by her. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that admittedly, the petitioners are neighbors and they have been falsely implicated in this case. In fact, the deceased was living with other person for the past 7 years and thereafter, returned back to the matrimonial home 6 months before the date of

occurrence but the defacto complainant refused to live with the deceased and that he was staying at his sisters house due to which, she committed suicide by self immolation by setting fire on her own and the petitioners have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally three accused in this case in which the petitioners are arrayed as A2 and A3 and all the accused persons are neighbors. The accused persons had scolded the deceased with filthy languages and also spoiled her previous conduct. Therefore, on 21.05.2020, the deceased set fire on her body and succumbed to injuries. In the hospital the Dying Declaration was recorded in which, she had categorically deposed that only because of A1 to A3, she committed suicide by self immolation on her own. Initially the case was registered under Section 174 of Cr.P.C., and after considering the Dying Declaration of the deceased, the offences were altered to Sections 294(b) and 306 of IPC. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. It is seen that there are totally three accused in which, the petitioners are arrayed as A2 and A3. In so far as the first accused is concerned, she had already been arrested and remanded to judicial custody. Even according to the case of the prosecution, the deceased returned to her matrimonial house 6 months before the date of occurrence and after a period of 20 years from the date of her marriage and joined with the defacto complainant. It is further alleged that for the past 6 months, the petitioners being neighbors have scolded her and also spoiled her previous conduct by using bad words. Thereafter, on 21.05.2020, the deceased committed suicide by setting fire on her own. However, soon before her death, there is no material/evidence to show that the petitioners have instigated the deceased to commit suicide.

6. Taking note of the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Perambalur, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

25.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

SSI

G. K. ILANTHIRAIYAN, J

SSI

To

1. The Judicial Magistrate No.II,
Perambalur.
2. The Inspector of Police,
Kunnam Police Station,
Perambalur District.
3. The Public Prosecutor,
High Court, Madras.



Crl.O.P.No.8525 of 2020

WEB COPY

25.06.2020