

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P. No. 10217 of 2020

Samundeeswari

... Petitioner

Vs.

State rep.by,
The Inspector of Police,
Poonamallee Police Station,
Chennai.
Crime No.618 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.618 of 2020 on the file of the respondent police.

For Petitioner : Mr. A.M. Rahamath Ali

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 174 (3) Cr.P.C., altered to Section 306 IPC in Crime No.618/2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the tenant in the house of the petitioner. During the COVID-19 period, they were unable to pay the rent, when the same was demanded by the petitioner, the defacto borrowed a sum of Rs.10,000/- and asked her husband to hand it over to the house owner. The deceased has taken Rs.500/- from the rent money and consumed alcohol. When the same was questioned by the defacto complainant, the deceased kicked the dog belonging to the petitioner and there was a wordy quarrel. At about 3.00pm, the deceased attempted to commit suicide, which was prevented by the defacto complainant, thereafter, around 4.00 p.m., she found their house was locked inside and found her husband was hanging. Based on her complaint, a case was registered under Section 174 (3) Cr.P.C., and later it was altered to 306 IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the house, the defacto complainant is the tenant. On the date of occurrence, the husband of the defacto complainant had kicked the dog belonging to the house

owner, thereby, quarrel arose between them. The deceased also took Rs.500/- from the rent money and consumed alcohol, when the same was questioned by the defacto complainant, the deceased had committed suicide by hanging.

4. The learned Additional Public Prosecutor would submit that there was a dispute with regard to non payment of rent between the petitioner and the defacto complainant, due to which, the deceased committed suicide by hanging. Investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Poonamallee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of 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 petitioner 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 petitioner shall report before the respondent police, as and when required for interrogation.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 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].

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/07/2020

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, POONAMALLEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTORE OF POLICE
POONAMALLEE POLICE STATION,
CHENNAI.

CC to M/S. A.M.RAHAMATH ALI Advocate on payment of necessary charges

CRL OP.10217/2020

Date :07/07/2020

RVR 01/09/2020

सत्यमेव जयते

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