

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10476 of 2020

Santhi, F/aged about 45 years,
W/o.Govindhan,
Gandhi Nagar,
Thiruppathur Town,
Thiruppathur Taluk & District. ... Petitioner/3rd Accused

Vs.

The State represented by,
The Sub-Inspector of Police,
Thirupathur Town Police Station,
Vellore District. ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of her arrest in Crime No.1158 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 386 of IPC read with Sections 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003 and subsequently, it was altered into sections 116, 386, 306 IPC read with Sections 3, 4, & 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003 in Crime No.1158 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has borrowed money from the first and second accused and later he did not repay the money to them. Therefore, the accused persons were https://hservices.ecourts.gov.in/hservices/ visited complainant's home and they have asked about

repayment of money with interest. Due to his frustration and incapacity of repayment, the defacto complainant and his wife decided to do away their life. Therefore, they have purchased rat killer poison and given to three of their children and they have also taken. Thereafter, defacto complainant's brother came to his home and he informed about the consumption of poison and thereafter, all his family members were rushed into hospital. Hence, the complainant.

3. The learned counsel appearing for the petitioner would submit that as far as the overt act against the petitioner is concerned, the petitioner and her husband went to the defacto complainant's house on 26.06.2020 at about 05.00 and asked him to repay the loan amount as agreed by him. Apart from that there was no allegations as mentioned in the statement. He further submitted that the respondent police has registered a case against the defcto complainant in Crime No. 1166 of 2020 for the offence under Section 304 of IPC on 03.06.2020 since he administered poison to his children and his wife. He further submitted that petitioner is an innocent person and she has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant has borrowed a sum of Rs.20,000/- from the second accused and thereafter, he paid a sum of Rs.20,000/- to the second accused as interest but the accused persons have demanded more money. Thereafter, all the family members of defacto complainant's have consumed poison. Due to which, one of the defacto complainant's child died and remaining persons survived.

5.Taking into consideration the facts and submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is directed to be released on bail in the event of her 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.I, Thiruppathur, on condition that the petitioner 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 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 every day at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

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 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].

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

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

-sd/-

13/07/2020

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.I, THIRUPPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 SUB INSPECTOR OF POLICE, सत्यमेव जयते
THIRUPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.10476/2020

Date :13/07/2020

RD 18/08/2020