

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10537 of 2020

Anitha,

W/o.Manickam

... Petitioner/Single Accused

Vs.

State rep. by,

The Inspector of Police,

Mahalingapuram Police Station,

Coimbatore District.

Crime No.863 of 2020

... 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.863 of 2020 on the file of the respondent.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(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 302 and 309 of IPC in Crime No.863 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant namely, Perumal is that his daughter / the petitioner herein was divorced recently by her husband and out of frustration, she administered poison to her 9 years old daughter namely, Rekha Sree and she also consumed poison. When they were taken to a Hospital, the grand-daughter was declared brought dead and his daughter / the accused was admitted in a serious condition. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner got married during the year 2010 with one Manickam and out of the wedlock a female child was born to them. There was a misunderstanding between the petitioner and her husband for the past 6 years and her husband filed a petition for divorce and the Court has granted divorce. The petitioner affected by the divorce and out of frustration, and also considering her younger sister's life and the future of her daughter, she intended to commit suicide and end her life. Hence, she administered poison to her daughter and she also consumed poison. Unfortunately, the daughter of the petitioner died and she was admitted in a Hospital in a serious condition. He would further submit that as on date, the petitioner has been admitted in CMC Hospital, Kovai for better treatment and her condition is also serious. He would further submit that the petitioner is also affected by Corona. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was recently divorced by her husband and out of frustration and considering the future of her daughter and herself and also considering her younger sister's life, as she was not married, the petitioner decided to end her life and her daughter's life and thereby, she administered poison to her daughter and she also consumed poison. Unfortunately, the daughter of the petitioner died and the petitioner has been admitted in the Hospital in serious condition. However, he oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned counsels and also the fact that the petitioner has been admitted in serious condition and taking treatment in the Hospital, 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Pollachi, 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 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 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.

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

-sd/-

14/07/2020

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, POLLACHI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MAHALINGAPURAM POLICE STATION,
COIMBATORE DISTRICT,

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR NO. 5719

CRL OP.10537/2020

Date :14/07/2020

rd 21/07/2020