



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.10825 of 2020

Viji @ Parvathy

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Grand Bazar Police Station,
Pondicherry.
Crime No.31 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to release the petitioner on bail, in the event of his arrest in connection with the Crime No.31 of 2020 dated 05.03.2020 on the file of the Station House Officer, Grand Bazar Police Station, Pondicherry.

For Petitioner : M/s.B.Balavijayan

For Respondent : Mr. A.Balamurugane,
Public Prosecutor (Pondicherry)

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 306 r/w 34 of IPC, Crime No.31 of 2020 dated 5.3.2020 seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Prabavathy, the sister of the deceased is that her brother Kanagasaby was found to have committed suicide by consuming poison and that he had left four suicide notes. Further she had stated that her brother could have committed suicide due to money lending and other property issues. Based on her complaint, originally the FIR was registered by the respondent police vide Crime No.31 of 2020 under Section 174 of IPC. On enquiry, it came to light that the petitioner and her family members have abetted the deceased to commit suicide following which, the case was altered into Section 306 r/w 34 of IPC. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against the petitioner and her family members. He would submit that the deceased is none other than the brother of the petitioner's husband Annamalai. There was a civil dispute between the deceased and the husband of the petitioner with regard to title of the property and suits are pending from 2013. Further, the petitioner had not seen the deceased for years together since there was no cordial relation between the petitioner's family and the deceased. He would submit that the petitioner's family members including her daughter who has been living in USA from 2014, have been falsely implicated in this case. Further, the deceased on earlier occasions had attempted to commit suicide thrice for which, a case was also registered with the very same respondent police. He would further submit that there is absolutely no material against the petitioner to show that she abetted the suicide. He would further submit that the husband and the son of the petitioner were arrested and subsequently released on bail by this Court. The daughter of the petitioner had filed a petition under Section 482 Cr.P.C. to quash the FIR since she was not at all present in the country and the same was disposed giving direction to the respondent police to file final report within six weeks time. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Pondicherry) would submit that due to property dispute, petitioner along with her husband, son and daughter harassed the deceased due to which, the deceased committed suicide and the investigation is pending. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the fact and circumstances of the case and the fact that co-accused have been granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Chief Judicial Magistrate, Pondicherry, 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 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 daily at 10.30 a.m., for a period of one week and thereafter, every Monday at 10.30 a.m., until further orders.

[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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

14/08/2020

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 CHIEF JUDICIAL MAGISTRATE
PONDICHERRY.

2 THE PUBLIC PROSECUTOR
PONDICHERRY.

3 THE INSPECTOR OF POLICE,
GRAND BAZAR POLICE STATION,
PONDICHERRY.

+1CC to M/S. B.BALAVIJAYAN Advocate on payment of necessary charges SR.No.5943

CRL OP.10825/2020

Date :14/08/2020