

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.11843 of 2020

Pushpa

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Pernampet Police Station,
Vellore District.
Crime No.613 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No. 613 of 2020 on the file of the respondent police.

For Petitioner : M/s.G.Vinodhkumar

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 174(3) Cr.P.C. @ 306 IPC, in Crime No.613 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Geetha is that her daughter Sridevi was given in marriage to the son of the petitioner one Prabakaran and there used to be frequent quarrel between them and that on 25.05.2020, there was a quarrel since her son in law had called her daughter to attend a family function and when her daughter refused for the same, thereby her son in law suspected the fidelity of her daughter and quarreled with her due to which her daughter committed suicide by hanging. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is the mother of A1 and he would submit that even as per the FIR excepting the fact that there used to be frequent quarrel between the petitioner's son and the defacto complainant's daughter, there is no allegation that the petitioner abetted the victim to commit suicide. He would submit that the police enquiry also reveals that since the petitioner's son suspected the fidelity of the daughter of the defacto complainant she committed suicide. There is no specific allegation that the petitioner abetted her to commit suicide and no allegation of demanding dowry and harassment of the victim. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the mother of the first accused Prabakaran and the defacto complainant's daughter was given in marriage to the first accused and there used to be frequent quarrel between the defacto complainant's daughter and A1. Since the petitioner's son suspected the fidelity of the daughter of the defacto complainant, she committed suicide by hanging. Therefore, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel and perused the First Information Report.

6. 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;

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his 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, Gudiyatham, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 daily at 10.30 a.m. for a period of one week and thereafter as and when required 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, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

18/08/2020

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 JUDICIAL MAGISTRATE, GUDIYATHAM, सत्यमेव जयते

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERNAMPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges

CRL OP.11843/2020

Date :18/08/2020

MK:04/09/2020

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