

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.11922 of 2020

M.Jayandhi

... Petitioner/Accused

Vs.

The Sub Inspector of Police,
Elavanasurkottai Police Station,
Villupuram District.

In Crime No.860 of 2020.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of her arrest in Crime No. 860 of 2020 on the file of the respondent police.

For Petitioner : Mr. M.Saravanakumar

For Respondent : Mr. M.K.Prabakar

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 309, 307 and 302 of IPC in Crime No.860 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Village Administrative Officer of Vadakurumbur Village has received an information that due to family dispute, one Jayandhi, resident of Vadakurumbur Village, consumed poison and administered poison to her two children and due to which, her two children died and she was admitted in the hospital.

3. The learned counsel for the petitioner would submit that the petitioner was married 9 years back and she was continuously harassed by her husband and in-laws and due to which, she decided to end her life and fearing that nobody will take care of her two children, she administered poison to her two children and she also consumed poison. Unfortunately, her two children died and she was saved. He would submit that unable to bear the extreme torture she had taken such decision. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is wife of Perumal and she unable to bear the torture and harassment by her husband attempted to commit suicide by consuming poison and administered poison to her two children, unfortunately, her two children died and the petitioner was saved. He would further submit that a case has been registered against her husband under Section 498-A in Cr.No. 859 of 2020 and in that case, the investigation is pending.

5. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate No.I, Ulundurpet Taluk, Villupuram District**, 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 as and when required.**

[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 NO.I,
ULUNDURPET TALUK,
VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE
ELAVANASURKOTTAI POLICE STATION,
VILLUPURAM DISTRICT.

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

CRL OP.11922/2020

Date :18/08/2020

MK:04/09/2020