

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 13128 of 2020

Suganya

... Petitioner

Vs.

State Rep. by

The Sub-Inspector of Police
Thandrapet Police Station,
Tiruvannamalai District.
(Crime No.2231 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest concerned in Crime No.2231 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Panneer Selvam

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 offences punishable under Section 302 of I.P.C. in Crime No.2231 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 02.08.2020 when he was returned back to home from his agricultural land for having lunch, he had seen his wife and children lying in a pool of blood in the bathroom. The defacto complainant's daughter was found to be dead and his wife was in unconscious stage. When, he asked his wife, she said that she had slit the child's throat with Aruvamanai and then she had also slit her throat with the same Aruvamanai and lost her consciousness. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was affected with a psychiatric problem and she was taking psychiatric treatment for the same . Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that during investigation it is found that the defacto complainant had suffered psychiatric problem and due to which she slit her daughter's throat and she also attempted to commit suicide. He would further submit that the investigation is pending.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Tiruvannamalai, on condition that of 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above direction, this Criminal Original Petition is ordered.

-sd/-
28/08/2020

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, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB - INSPECTOR OF POLICE,
THANDRAMPET POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S. S.PANNEER SELVAM Advocate on payment of necessary charges SR.No.6070

CRL OP.13128/2020

Date :28/08/2020

cs 10/09/2020

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