

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.15165 of 2020

1. Jagabar Rahman
2. Hamarunnisha

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Eruvanchery Police Station,
Thiruvavarur District.
(Cr.No.130 of 2019)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.130 of 2019 pending on the file of the respondent police.

For Petitioners : Mr.S.Sounthar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 306 of IPC, in Crime No.130 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant viz., Mohammed Azaruddin is that his sister viz., Sharmila Begam married to one Basheer Mohammed at Eruvanchery on 09.10.2016 and they have one female child aged about 10 months. His brother-in-law was employed in abroad and her sister was living with her in-laws and whenever her husband tried to contact his sister, her phone was blocked by her in laws. Thereafter, he received an information that his sister committed suicide by hanging. As his sister died suspiciously, initially a case was registered under section 174 (3) Cr.P.C., and thereafter found that the victim committed suicide on the abetment of the petitioners, and hence, it was altered into 306 of IPC. Therefore, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are in-laws of the victim, they have been falsely implicated in this case. He would further submit that the petitioners' son was employed in abroad and the victim was living with the petitioners. The victim was suffering

from psychiatric condition and suppressing the same, the victim was married to the son of the petitioners. The victim was suffering from Hallucination and she was under the treatment of one Dr.Abdul Kathar, ENP Hospital. Due to psychiatric condition, she committed suicide, but a false case has been given against them as if the petitioners abetted her to commit suicide. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners' son was working in abroad and whenever he contacted the victim through telephone, the petitioners had blocked the call and prevented the victim from talking with her husband, due to which, she committed suicide. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the District Munsif cum Judicial Magistrate, Nannilam, on condition that each of the petitioners 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 petitioners 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 petitioners shall report before the respondent police every day 10.30 a.m., for a period of two weeks and thereafter as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.R.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.

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

-sd/-

29/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ERAVANCHERRY POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S. S.SOUNTHAR Advocate on payment of necessary charges
Sr.7125

CRL OP.15165/2020

Date : 29/10/2020

RVR 04/11/2020

WEB COPY