

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15728 of 2020

C.Kavitha

... Petitioner

Vs.

State rep. By

... Respondent

The Inspector of Police
Vazhapadi Police Station
Salem District.
Cr.No.522 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.522 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.08.2020 for the offence punishable under **Section 174 Cr.P.C. later altered into Section 306 IPC** in Crime No.522 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Santhiya is that her daughter Archana fell in love with the first accused Asaithambi and they got married five years ago and it was an inter caste marriage. Thereafter, two children were born to her. The further allegation is that the victim used to inform the defacto complainant that her husband used to consume liquor and beat her in an inebriated condition. While so, one Sathish who is the resident in that area, sent whats app messages to her daughter. When coming to know about the same, the husband and the mother-in-law of the victim, abused and harassed her due to which, she committed suicide.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the mother of the first accused and she is an innocent person and that she has been falsely implicated in this case. He would further submit that in fact the marriage between the son of the petitioner and the victim Archana was a love marriage and they were having a peaceful life and that they have got two children out of their wedlock. While so, the victim developed some relationship with one Sathish and he used to send messages to the victim. When the petitioner and his son reprimanded her to sever the relationship, she created a problem with them and went back to her house. Thereafter, Panchayat was conducted and subsequently, she was sent back to the matrimonial home. Thereafter, on 23.08.2020, the victim committed suicide at the house of the petitioner due to guilty feeling. Whereas, the defacto complainant has given a false complaint as if, the petitioner and her son abetted the suicide of the daughter. He would further submit that there is absolutely no demand of dowry or harassment or no physical injuries found on the victim. It was only due to the relationship, the victim committed suicide out of guilty feeling. He would further submit that the petitioner has been suffering incarceration from 25.08.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the son of the petitioner got married to the victim Archana and it was an inter caste marriage and they have got two children. Subsequently, A1/the husband of the victim became Alcoholic and that he and his mother used to harass her due to which she commit suicide by hanging.

5. Heard the learned Counsels and perused the F.I.R.

6. Taking into consideration the facts and submissions made by the learned counsels and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 **learned District Munsif cum Judicial Magistrate, Vazhapadi**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.

(d)the petitioner shall not commit any offences of similar nature;

(e)the petitioner shall not abscond either during investigation or trial;

(f)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g)On breach of any of the aforesaid conditions, the learned Judicial 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];

(h)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

06/10/2020

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,
VAZHAPADI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAZHAPADI POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON FOR WOMEN, SALEM.

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

CRL OP.15728/2020

Date :06/10/2020