

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.16655 of 2020

S.Maragatham

... Petitioner

Vs.

State Rep. By

The Inspector of Police,
Madhukkarai Police Station,
Coimbatore District.
(Cr.No.1478/2020)

... Respondent

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 Connection with the Cr. No.1478 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.C.Mahendran

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 174 Cr.P.C., later altered into Sections 302 and 201 of IPC, in Cr.No.1478 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.05.2020, petitioner's husband came in an inebriated condition and fell down near the pipe and therefore, he sustained injuries. Thereafter, the petitioner taken her husband to the Hospital and that on 13.05.2020 her husband had died. Based on the information given by the petitioner, a case was registered under Section 174 Cr.P.C and later during the course of investigation, it came to light that the information was false. Actually the brother of the petitioner one Suresh had picked up a quarrel with the deceased and he had assaulted the deceased with iron rod on his head, as a result of which, he sustained grievous injuries and died. Hence, the complaint.

3. The learned counsel for the petitioner would submit the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the fact remains that the deceased was in an inebriated condition, he fell down near the pipe, due to which, he sustained injuries. Whereas on false information by the relatives a case was registered against her. He would further submit that the allegation against the petitioner is that she suppressed the fact that her brother Suresh has committed the offence, other than that there is no allegation against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The respondent has filed a counter.

5. The learned Additional Public Prosecutor would submit that one Suresh picked up quarrel with the deceased, who is the husband of the petitioner. During the quarrel, the petitioner's brother Suresh assaulted the deceased with an iron pipe due to which the victim sustained injuries and he was taken to hospital and thereafter he died. The petitioner is the sister of Suresh and she suppressed the actual fact and given a false information that her husband/ the deceased had fallen down near the pipe and sustained injuries. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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 ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate cum District Munsif, Madhukkarai, Coimbatore 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 daily at 10.30 a.m., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/11/2020

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
CUM DISTRICT MUNSIF,
MADHUKKARAI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADHUKKARAI POLICE STATION,
COIMBATORE DISTRICT

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

CRL OP.16655/2020

Date :09/11/2020