

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.16142 of 2020

Bhavani

... Petitioner

Vs.

THE STATE

By The Inspector of Police,
Poondamallee Police Station,
Chennai
(Crime No.749 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.749 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.E.V.Thulasi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 26.07.2020 for the offences punishable under Section 302 of I.P.C., in Crime No.749 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution was registered based on the complaint of the petitioner herself. As per the complaint given by the petitioner, she got married to Dharanidharan, who was a cab driver and alcoholic and that he had received loans from several persons and unable to pay back his loans. While so, on 21.07.2020, he had come back home after consuming alcohol and he went to his bed around 9.00 p.m. Later, he had asked for buttermilk and her father in law brought the buttermilk and given it to him. Thereafter, they found him having committed suicide by strangulating his neck with Dhupatta. Based on the complaint, a case was registered in Crime No.749 of 2020 under Section 174 of Cr.P.C. later during the course of investigation, it came to light that the petitioner had illicit intimacy with A2 who is the friend of her husband and that both of

them in order to do away with her husband, had mixed Super D insecticides and Cetirizine tablets 10 Nos. and had given it to the victim and after consuming the same, the deceased passed away and the accused have projected it as suicide.

3.The learned counsel appearing for the petitioner would submit that she is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is the wife of the deceased Dharanidharan and that he was a cab driver and he had borrowed money from several persons and unable to repay the loans, due to which, he committed suicide, whereas, a false case has been given against her as if the petitioner due to her illicit intimacy with A2 viz. Dinesh had given a poisonous substance and committed the murder of her own husband. He would further submit that the petitioner is in custody from 26.07.2020 and the major part of the investigation is over.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner is the wife of the deceased and she developed intimacy with A2 and that in order to commit murder of her husband, she along with her paramour had given a poisonous substance to her husband. Her husband after consuming the poisonous substance, became unconscious, thereafter, the petitioner strangled him and projected as if her husband himself committed suicide by hanging. He would further submit that investigation is pending.

5.Heard the learned counsels on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered 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 Judicial Magistrate No.II, Ponamalle, 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 on his release from prison shall report before the respondent police everyday 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/-

12/10/2020

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 JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
POONAMALLEE POLICE STATION,
CHENNAI.

CC to M/S.M.E.V.THULASI Advocate on payment of necessary charges

CRL OP.16142/2020

Date :12/10/2020