

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

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

Crl.O.P.No.16186 of 2020

Kanagavalli

... Petitioner

Vs.

State, represented by
The Inspector of Police
Anuparpalayam Police Station,
Crime No.3201 of 2020
Tiruppur.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case in Crime No.3201 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Ms.D.Gopal

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 28.08.2020 for the offences punishable under Section 174 of Cr.P.C., later altered to 306 of IPC in Crime No.3201 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Rajesh who is brother of the deceased viz., one Ravi is that the deceased was married to Kanagavalli viz., petitioner herein and the petitioner had developed a illegal intimacy with A3 and that she took away her daughter from the matrimonial home and the daughter got love affair with one Arun and that A3 had supported that. The defacto complainant's brother (deceased) went to the house of the accused and asked them to return back. At that time, all the accused have abused and also assaulted the defacto complainant and the deceased. Frustrated by the acts of the accused, the defacto complainant's brother committed suicide by hanging. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is the wife of the deceased and the deceased was a cruel man who was also an alcoholic and he had harassed the petitioner and his daughter and

thereby they left the matrimonial home She had also sent a legal notice seeking divorce. The deceased suspecting that the petitioner was having illegal intimacy with A3 and had come to the house of the petitioner, harassed and assaulted her. He would submit that there was a quarrel and the daughter also refused to go with the deceased thereby, he committed suicide on 24.08.2020. He would further submit that the petitioner was arrested on 28.08.2020 and she is in custody for the past 48 days and the learned counsel for the petitioner would submit that major part of the investigation is over and hence he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is the wife of the deceased, she developed illegal intimacy with A3 and left along with A3 taking along with her grownup daughter and the daughter also developed intimacy with one Arun and frustrated by the acts of the petitioner and her daughter, the defacto complainant and his brother had gone to the house of the petitioner and requested her to come back to the matrimonial home whereas the petitioner along with others assaulted the deceased due to which, he committed suicide. He would further submit that before committing suicide the deceased had recorded a dying declaration in his mobile phone and sent it through a whats app message and it has also been circulated in social media. Hence, he opposed to grant bail to the petitioner.

5.Heard the learned counsels on either side. Perused the materials available on record.

6.Taking into consideration of the facts and circumstances, submissions made by the learned counsels and the fact that the petitioner has already sent a legal notice to the deceased and also considering the period of incarceration suffered by the petitioner from 28.08.2020, 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 Judicial Magistrate No.III, Tiruppur, failing which, the bail granted by this Court shall stand dismissed automatically;

(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. 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/-

16/10/2020

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.III, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ANUPARPALAYAM POLICE STATION,
TIRUPPUR.

5 THE SUPERINTENDENT,
CENTRAL WOMENS PRISON,
COIMBATORE.

CC to M/S. D.GOPAL Advocate on payment of necessary charges
Sr.7015

CRL OP.16186/2020

Date :16/10/2020

RVR 19/10/2020