

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16166 of 2020

A.Indira

... Petitioner

Vs.

The State rep by Inspector of Police,
Anuparpalayam Police Station
Tiruppur.
(Crime No.3201 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of her arrest before the any court in connection with the case in Crime No.3201 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Gopal

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence publishable under Section 174 of IPC later altered to Section 306 of IPC in connection with Crime No.3201 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the brother of the deceased namely one Ravi. The deceased was married to one Kanagavalli and the said Kanagavalli had developed illegal intimacy with A6. While so, the daughter of the deceased has got love affair with one Arun and A6, who is the paramour of the wife of the deceased also supported the love affair. Later, the wife of the deceased along with her daughter left the matrimonial home and thereafter, she sent a legal notice to the deceased, due to which, the deceased got frustrated and committed suicide by hanging.

3. The learned counsel for the petitioner has submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner is the mother of one Arun who had love affair with the daughter of the deceased. Due to the family dispute, the wife of the deceased and the daughter of the deceased had left the matrimonial home and they were living separately. Later, the wife of the deceased sent a legal notice to the deceased, due to which, the deceased has committed suicide by hanging. Further, the learned counsel for the petitioner would submit that the petitioner understands that there was a problem between the deceased and his wife, due to which, she left the matrimonial home along with her daughter and they were living separately. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the mother of one Arun, who had love affair with the daughter of the deceased. Due to family dispute, the wife of the deceased left the matrimonial home along with her daughter and they were living separately. As a result of which, the deceased has committed suicide and the same was also uploaded in the whatsapp. According to the petitioner, she supported the love affair of her son with the daughter of the deceased. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court No.III, Tiruppur on condition that the petitioner 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:

[b] 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.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m until further orders and thereafter as and when required.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] 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/-
28/10/2020

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 COURT
NO.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANUPARPALAYAM POLICE STATION,
TIRUPPUR.

+1 CC to M/S. D.GOPAL Advocate on payment of necessary charges
SR.No.7131

CRL OP.16166/2020

Date :28/10/2020