

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16928 of 2020

Gomathi

... Petitioners

Vs.

State rep.by

... Respondent/Complainant

The Inspector of Police,
Vellore North Police Station (L & O),
Vellore.
[Crime No.2283 of 2020]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.2283 of 2020 on the file of the respondent police.

For Petitioner : Mr.Aditya Varadarajan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 302 & 307 IPC, in Crime No.2283 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Thilagavathy who is the mother of the accused is that her daughter/Gomathi was married to one Naresh Kumar, who is a gold smith, six year back, and they have two children aged about five years and three years respectively. While so, the said Naresh Kumar died on 02.09.2020, due to heart attack and that due to depression, the petitioner/accused had decided to kill her children and commit suicide. Unfortunately, one child died. The other child and the petitioner were fortunately saved. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was depressed by the death of her husband in young age and she was mentally affected fearing that they have nobody to take care of her and her children she had decided to kill her children and commit suicide. Unfortunately, one child died. The other child and the petitioner were saved. He would further submit that the petitioner is still taking treatment for depression and mental illness. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner, who was depressed due to the death of her husband in young age, decided to commit suicide fearing that they have nobody to take care of them. Unfortunately, one child died. The other child and the petitioner were saved. He would further submit that the petitioner is still under treatment. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. 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;

6. 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 learned Judicial Magistrate No.IV, Vellore** on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one should be the mother of the petitioner), 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 Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent Police as and when required for interrogation.**

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
03/11/2020

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,
NO.IV, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION (L AND O),
VELLORE.

+2 CC to M/S ADITYA VARADARAJAN Advocate on payment of
necessary charges SR.NO.7271

CRL OP.16928/2020

Date :03/11/2020

TA-09/11/2020