

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17646 of 2020

1.Chandra
2.Sujitha Banu

... Petitioners

Vs.

State Rep by:-

The Inspector of Police,
Peralam Police Station,
Tiruvarur District.
(Crime No.2221 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2221 of 2020, pending investigation, on the file of the respondent police.

For Petitioners : Mr.S.Swamidoss Manokaran

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 21.09.2020 for the offences punishable under Sections 174(3) of Cr.P.C and later, altered into one under Section 306 of IPC in Crime No.2221 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant Maheshwari is that her daughter was married to the 3rd accused Banu Chandar on 10.02.2019 and they were living at Chennai with their seven months old son. Thereafter, due to Covid, they gone to the native of her husband. When the victim was in her in-laws house, the first and second accused, who are respectively the mother-in-law and sister-in-law of the victim, had quarreled with her and also assaulted her, due to which, she sustained injury and that unable to bear the torture, she committed suicide. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that this is the second application for bail. He would submit that earlier bail application filed by the petitioners in Crl.OP.No.16002 of 2020 was dismissed by this Court on 15.10.2020. He would submit that the deceased along with her husband and child was living at Chennai. Thereafter, due to Covid, they have come to house of the petitioners and since the husband of the victim was not having any

employment in Chennai, the victim was under depression and due to which, she committed suicide by hanging, whereas, the case has been projected as if, the petitioners abetted the suicide. He would further submit that the petitioners have been suffering incarceration from 21.09.2020. He would submit that the major part of the investigation is over. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose the grant of bail stating that the 3rd accused married the victim on 10.02.2019 and that they were living at Chennai and thereafter, due to Covid, the victim along with her husband had gone to the native of her husband and she were staying at her in-laws house during such time, there was a quarrel and that the mother-in-law and the sister-in-law have assaulted the victim due to which, she sustained 5 sutures in the head. Frustrated by the act of mother-in-law and the sister-in-law, she committed suicide by hanging. He would further submit that the investigation is pending.

5. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to 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 District Munsiff Cum Judicial Magistrate, Nannilam, 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 petitioners, on their 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 petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

10/11/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
PERALM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE,
WOMEN SUB JAIL, TIRUVARUR

CC to M/S.S.SWAMIDOSS MANOKARAN Advocate on payment of
necessary charges

सत्यमेव जयते

CRL OP.17646/2020

Date :10/11/2020

RVR 11/11/2020

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