

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

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

CRL.O.P.No.17874 of 2020

Arulselvi

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
Kodavasal Police Station,
Thiruvavur District.
(Crime No.1609 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the crime number in 1609 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.Greetha Senthilkumar

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.09.2020 for the offence punishable under Section 174 of Criminal Procedure Code @ to Section 306 of Indian Penal Code, in Crime No.1609 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Mohan is that his brother was married to the petitioner two years back and that the petitioner had developed illicit intimacy with A1. When the brother of the defacto complainant questioned the same, they have abused and humiliated him due to which, he committed suicide by consuming poison.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. He would submit that the marriage between the petitioner and the brother of the defacto complainant took place two years back and they were not having children. Due to which, the deceased was depressed and committed suicide and that there is no allegation as if, the petitioner

abetted the suicide of the deceased. He would further submit that the petitioner has been suffering incarceration for more than 50 days from 21.09.2020 and the major part of investigation is over. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the wife of the deceased had developed illicit intimacy with A1 and when it was questioned by the deceased, they have confirmed the relationship stating that he cannot do anything and also abused and humiliated him. Thereby, the deceased committed suicide by consuming poison.

5. Taking into consideration the facts and submissions made by the learned counsels and considering 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 learned Judicial Magistrate, Thiruvapur, 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 her release from prison, shall stay at Trichy and report before the Cantonment Police Station, 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.

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

-sd/-
11/11/2020

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE JAILER,
WOMEN SUB-PRISON, THIRUVARUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
THIRIVARUR DISTRICT

6 THE OFFICER INCHARGE,
THE CANTONMENT POLICE STATION,
TRICHY.

+1CC to M/S. GREETHA SENTHILKUMAR Advocate on payment of
necessary charges SR NO.7564

CRL OP.17874/2020

Date :11/11/2020

MK:18/11/2020