

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.19188 of 2020

Divya

... Petitioner

Versus

The State of Tamil Nadu
Rep.by its Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
(Crime No.2515 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 2515 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Deshingu

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 apprehend arrest for the alleged offence under Sections 498(A) and 306 of IPC, in Crime No. 2515 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant Sugamoorthy is the father of the deceased Shilpa. According to the defacto complainant, her daughter Shilpa was given in marriage to one Selvam, who is working in Indian Army. It is further stated that whenever is son-in-law visits the native Village during leave, her daughter will stay with her husband and whenever her husband leaves to his work at Jammu and Kashmir, his daughter will return to his house. The defacto complainant also referred to the frequent stomach pain suffered by his daughter and the treatment given to her. While so, on 08.08.2020, when he was out of his house, his daughter consumed pesticide unable to bear the stomach pain. When it was informed to the defacto complainant, he along with his wife had taken his daughter to hospital but she died. In this connection, the defacto complainant himself has given a complaint with respect to the death of his daughter Shilpa based on which a case in Crime No. 2515 of 2020 was registered on 08.08.2020 under Section 174 (3) of Code of Criminal

3.However, it was alleged that an investigation into the cause of death revealed that the husband of the deceased was having an extra marital relationship with some other women and he was conversing with the girl over phone. This was questioned by the deceased and also informed it to the defacto complainant. When the defacto complainant questioned his son-in-law he denied having any such relationship with any one. However, the deceased had revealed to the defacto complainant about the mobile phone conversation her husband had with another girl. In this context, there were quarrel between the couple. While so, after the husband of the defacto complainant went to Jammu and Kashmir, the petitioner, who is the sister-in-law of the deceased along with his mother in law, scolded the deceased, which led to the deceased taking the extreme step to consume pesticide. Thus, during the investigation into the case, the petitioner herein was roped in as an accused by altering the case into one under Section 498-A and 306 of IPC.

4.The learned counsel appearing for the petitioner would submit that the even according to the defacto complainant, her daughter was suffering from frequent stomach ache and unable to bear it, she had consumed pesticide. While so, the allegation that the petitioner had scolded the deceased is far from truth. According to the learned counsel, the petitioner has been falsely implicated. He would further submitted that even as per the FIR, the defacto complainant admitted that the deceased committed suicide unable to bear the stomach pain. There is no material to show that the petitioner scolded or intimidated the deceased, as alleged. Furthermore, the petitioner is sister in law of the deceased. Even the deceased used to come to the matrimonial home whenever her husband comes on leave. Therefore, the allegation that the husband of the deceased had extra marital relationship with some other lady and it was questioned by the deceased is far from truth. In any event, the petitioner is only the sister-in-law and he has nothing to do with the matrimonial dispute between the deceased and her husband. Hence, he prays for the grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent police submitted that investigation into the case revealed the role of the petitioner, who is the sister-in-law of the deceased. The investigation is pending. He therefore vehemently opposed for grant of anticipatory bail to the petitioner.

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

7.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 was made ready, before the Learned Judicial Magistrate, Polur, Thiruvannamalai District, 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 conditions 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, every Monday at 10.30 am., until further orders.

[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.

-sd/-

10/12/2020

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,
POLUR, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
POLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

CC to M/S.N.DESINGHU Advocate on payment of necessary charges
Sr.8110

CRL OP.19188/2020

Date :10/12/2020

RVR 17/12/2020



WEB COPY