

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2020

CORAM :

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

CRL.O.P.No.19402 of 2020

SARASU

.... Petitioner

Vs.

State rep. by
The Inspector of Police
RASIPURAM Police Station
Namakkal District
(Crime No.1618 of 2020)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1618 of 2020 on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

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 17.10.2020 for the offence punishable under Section 174 (3) Cr.P.C. @ into Section 302 IPC, in Crime No.1618 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Saravanan, Village Administrative Officer, Rasipuram is that he received an information that one Saravanan committed suicide by hanging and injuries were found on the backside of the head and chest. Based on the complaint, the case was originally registered for offence under Section 174(3) Cr.P.C. Later, during the course of investigation, it was found that the deceased had abused his second wife/the petitioner herein, suspecting her fidelity and thereby, she assaulted him with iron pipe due to which, he died. Thereafter, the accused projected it as a case of suicide by hanging the body.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against the petitioner due to dispute between the petitioner and her sister who is the first wife of the deceased. Infact, the deceased had borrowed money from several persons for constructing house due to which, he committed suicide. He would further submit that the injuries sustained by the deceased happened at the time of attempting to bring down the hanging body. While, they attempted to take the

body by cutting the rope, it fell down and sustained injuries on the head and chest. He would further submit that a case of suicide has been projected as a case of murder. He would further submit that the petitioner has been suffering incarceration from 17.10.2020 and the major part of investigation is over. Hence, he prays for grant of bail.

4.The learned Government Advocate (Cl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the second wife of the deceased. The deceased had initially married the sister of the petitioner and thereafter, married the petitioner. While so, the deceased suspected that the petitioner was having relationship with some other person and abused her. Thereby, the petitioner assaulted him with iron rod due to which he died. Thereafter, she tied a rope and hanged the body of the deceased and attempted to project it as a case of suicide. He would further submit that the post-mortem report confirms that the injuries on the body of the deceased are anti-mortem injuries and that the investigation is pending.

5. Heard the learned Counsels on either side and perused the materials placed on record.

6.Taking into consideration of 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, Rasipuram, 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 Chennai and report before the North Beach 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.

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

-sd/-

09/12/2020

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, RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, SALEM.

6 THE OFFICER INCHARGE,
NORTH BEACH POLICE STATION,
CHENNAI

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.8015

CRL OP.19402/2020

Date :09/12/2020