

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2020

CORAM :

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

CRL.O.P.No.20630 of 2020

Lavanya

... Petitioner

Vs.

State Rep. by
Sub-Inspector of Police,
Periyapalayam Police Station,
Tiruvallur District.
(Crime No.2275 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.2275 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Arunprasad

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 16.11.2020 for the offences punishable under Sections 174 Cr.P.C., @ Section 306 of IPC, in Crime No.2275 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Ellammal is that her son was earlier married and he has got two children and thereafter he got separated from his wife. While so, he had informed the defacto complainant that he was having relationship with one Lavanya, the petitioner herein, who is also a married woman and having two children. Therefore, the defacto complainant asked her son to give up the marriage proposal, due to which, he was depressed and was in mental agony, while so, on 15.11.2020, her son had committed suicide by hanging. Hence the complaint. Initially, the case was registered under Section 174 Cr.P.C. and during the course of investigation, it came to light that the petitioner Lavanya had cheated him, thereby, the victim committed suicide by hanging.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that in fact, the petitioner herself is a victim in this case. He would further submit that as per the F.I.R., the defacto complainant had stated that since the defacto complainant objected her son in getting married to the petitioner, he had committed suicide out of depression and mental agony. He would further submit that a new allegation has been made that the petitioner has refused to marry and thereby the victim had committed suicide. He would further submit that the refusal to agree for marriage cannot be stated to be a ground for abetting the victim to commit suicide and the petitioner has been unnecessarily arrested and she is in custody from 16.11.2020, for the past one month.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner is a married woman, she had befriended with the son of the defacto complainant and there was a dispute between them, thereby, the petitioner had sent abusive messages to the victim's mobile phone and she has also abused him in filthy language, thereby, he had committed suicide by hanging.

5.Heard the learned counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and circumstance of the case and the submissions made by the learned counsels and taking into consideration 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, Uthukkottai, 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 report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Monday 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, these Criminal Original Petitions are ordered.

-sd/-

23/12/2020

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,
UTHUKKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE
PERIYAPALAYAM POLICE STATION,
TIRUVALLUR DISTRICT.

+1CC to M/S.K.ARUNPRASAD Advocate on payment of necessary charges SR NO.8633

CRL OP.20630/2020

Date :23/12/2020

MK:28/12/2020