



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/02/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.1900 of 2020

Sagaya Catherine

... Petitioner/Accused

Vs

State rep through
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District ,
Cr.No.17 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Father Xavier Arulraj,
Senior Counsel
For M/s.Father Xavier Associates,
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervener : Mr.K.Karthikeya Venkatachalapathy

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

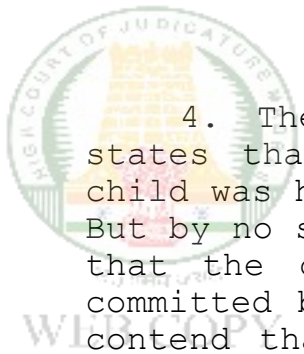
For Anticipatory Bail in Crime No.17 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the
learned counsel appearing for the intervener and the learned
Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences under section 174 of Cr.P.C. @
into Section 305 of I.P.C., in Crime No.17 of 2020 on the file of
the respondent police, seeks anticipatory bail.

3. The defacto complainant is the father of the deceased child.
The child is said to have committed the suicide on 29.01.2020.
Initially FIR was registered under Section 174 of Cr.P.C. and it was
later altered.



4. The learned senior counsel appearing for the petitioner states that the petitioner is a school teacher and the deceased child was her student. The petitioner is no doubt a disciplinarian. But by no stretch of imagination, the petitioner could have intended that the child should die. Therefore, for the unfortunate act committed by the child, the petitioner cannot be blamed. He would contend that the elementary ingredients of Section 305 of I.P.C., are wholly absent in this case.

5. The learned counsel appearing for the intervenor submitted that the petitioner was labouring under the impression that on account of the deceased, the overall result of the school may suffer and that therefore, the petitioner was constantly harassing, insulting and humiliating the deceased which led her to commit suicide.

6. The learned senior counsel on instructions from the school management states that inasmuch as allegations have been made against the petitioner, she would be placed under suspension and action as per law will be taken.

7. After hearing the learned counsel on either side, I am of the view that the arrest of the petitioner is not going to serve any purpose. Recording the said undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.II, Srivaikundam, and on her executing 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
05/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.II
SRIVAIKUNDAM

2 THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.FATHER XAVIER ASSOCIATES Advocate SR.No.2324

ORDER
IN
CRL OP(MD) No.1900 of 2020
Date :05/02/2020

SDS/SKN/SAR 2 (11.02.2020) 3P 6C