



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7853 of 2020

Fathima

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Samayapuram Police Station,
Trichy.
Crime No.773 of 2020.

... Respondent/ Defacto Complainant

For Petitioner : M/s.K.Yasar Arafath,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.773 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/2nd accused herein was arrested and remanded to judicial custody on 26.06.2020 for the alleged offences under Section 306 of IPC.

2.The case of the prosecution is that the petitioner is the mother of A-1. A-1 had fell in love with the deceased, subsequently, she refused to marry him. Hence, he has committed suicide. So far as this petitioner is concerned, she is said to have threatened and criminally intimidated the deceased.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in tis case. He would also submit that the petitioner is in judicial custody for more than one month.



4.The learned Government Advocate(Crl.Side) would submit that A-1 had fell in love with the deceased, subsequently, she refused to marry him. Hence, he was committed suicide and the investigation is also completed

5.On perusal of records to show that this petitioner's daughter was fell in love with the deceased and she refused to marry the deceased and hence, he has committed suicide. So far as this petitioner is concerned there is no specific overt act attributed against the petitioner, and she has only threatened the deceased.

6.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Trichy.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/07/2020

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.III, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON FOR WOMEN, TRICHY.
4. THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7853 of 2020
Date :31/07/2020

MS/VR/SAR-2/31.07.2020/3P.6C