



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

Date : 14/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11329 of 2020

Sudha Lakshmi

... Petitioner/A1

Vs

The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
(Cr.No/789/2020 On the
File of Viruveedu PS)

... Respondent/Complainant

For Petitioner : M/s.K.Saravana Kumar,
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.789 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 13.09.2020 for the offences punishable under Sections 174 Cr.P.C @ 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner had illegal intimacy with the deceased. While being so, when the deceased entered into the house, due to Covid-19 the petitioner had denied his entry into the house, unable to bear the same due to frustration the deceased committed suicide by hanging. Initially a case was registered under Section 174 Cr.P.C and subsequently it was altered to Section 306 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 13.08.2020 and even according to the prosecution when the petitioner denied the deceased entry into the house, the deceased got frustrated and committed suicide by hanging in the petitioner's house.



4. The learned Government Advocate(Crl.Side) would submit that initially a case was registered under Section 174 Cr.P.C and subsequently it was altered to Section 306 of IPC. The defacto complainant is the wife of the deceased and stated that the deceased had intimacy with the petitioner herein and the petitioner being a widow aged about 40 years and the petitioner herein only instigated the deceased to commit suicide.

5. It is seen that the petitioner had illegal intimacy with the deceased. While being so on the date of occurrence when the deceased tried to enter into the house it was denied by the petitioner herein due to covid-19 he got frustrated and committed suicide by hanging.

6. Taking note of the above 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai

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 daily at 10.30 a.m for a period of two weeks and thereafter 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/-

14/10/2020

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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.

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- TO
1. THE JUDICIAL MAGISTRATE, NILAKOOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 3. THE OFFICER INCHARGE, MAHILEER SUB JAIL,
NILAKOTTAI.
 4. THE INSPECTOR OF POLICE,
VIRUVEEDU POLICE STATION, DINDIGUL DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11329 of 2020
Date :14/10/2020

MS/PN/SAR-4/14.10.2020/3P.6C