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

Date : 16/10/2020

PRESENT

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

CRL OP(MD). No.11678 of 2020

Indhu @ Indhumathi

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
Cr No. 338/2020.

... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Ms.M.AnandhaDevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.338 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the Sole Accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 306 of IPC, in Crime No.338 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the daughter of the petitioner got married the deceased. The petitioner used to regularly visit the house of her daughter and spend nearly 7 hours, since the petitioner is residing 1 km away. The petitioner had spoken ill of the deceased, thereby, there was a strained relationship between them. On the date of occurrence, there was a wordy altercation between the petitioner and the accused, in which, the petitioner abused him with filthy language and as such, the deceased got humiliated and committed suicide by hanging himself.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is the none other than mother-in-law of the deceased. He further submitted that there was a family dispute between the deceased and his wife, in which, the petitioner asked about their family. He further submitted that the petitioner has never instigated the deceased to commit suicide. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that due to family dispute, there was a wordy altercation between the petitioner and the deceased, in which, the petitioner abused the deceased by using filthy language and as such, the deceased got humiliated and committed suicide by hanging himself. He further submitted that before suicide dying declaration video has been recorded in the mobile phone.

6. Considering the facts and circumstances of the case and also considering the fact that there is no allegation against the petitioner that she instigated the petitioner to commit suicide, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi, on condition that the petitioner shall 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) 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.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/10/2020

/ 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.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
PUTHIYAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-7116[I] dated 19/10/2020)

ORDER IN
CRL OP(MD) No.11678 of 2020
Date :16/10/2020

VSG

<https://hservices.ecourts.gov.in/HCServices/> SPS/ AKM/SAR-II/ 22.10.2020/ 3P/6C