



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2020

PRESENT

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

CRL OP(MD). No.13345 of 2020

Mahalakshmi

... Petitioner/Sole Accused

Vs

State Rep. by

The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.

Crime No.152 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Ramasamy,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.152 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 302 of IPC, in Crime No.152 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to poverty and also due to harassment made by the husband of the petitioner, the petitioner said to have attempted to commit suicide by consuming poison and also given poison to her children. After consumption, the petitioner and her children were admitted to the Government Hospital, subsequently, one male child was died. Thereafter, the petitioner and two children were rescued. After receiving the complaint, initially the case was registered for the offence under Sections 307 and 309 of IPC and after death of the male child, the

<https://hccs.courts.madras.gov.in/Reserve>



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

4. The learned counsel appearing for the petitioner submitted that prior to the date of occurrence that is 16.09.2020, there was a wordy quarrel between the petitioner and her husband, since the husband of the petitioner in a drunken mood. Due to poverty and also due to harassment made by her husband, she consumed poison and due to frustration, the petitioner had given poison to her children. Hence, he prayed to grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is the sole accused and she is the mother of three children. He further submitted that due to poverty and also due to harassment made by the husband of the petitioner, the petitioner said to have consumed poison and also given poison to her children. After consumption, the petitioner and her children were admitted to the Government Hospital, subsequently, one male child was died. Thereafter, the petitioner and two children were rescued. After receiving the complaint, initially the case was registered for the offence under Sections 307 and 309 of IPC and after death of the male child, the respondent Police has altered the offence under Section 302 of IPC.

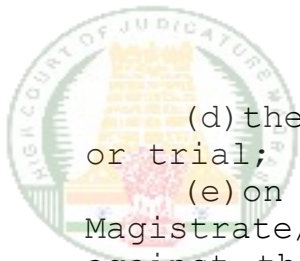
6. Considering the peculiar facts and circumstances of the case and also considering the fact that due to poverty and also harassment made by the husband of the petitioner, the petitioner has consumed poison and given to her children, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/11/2020

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/ /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.II,
KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13345 of 2020
Date :24/11/2020

vsg
JM/PN/SAR III/04.12.2020/3P/5C