

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2945 of 2021

S. Parameshwari

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
(Crime No. 2106 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2106 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. T. Balachandran

For Respondent : Mr.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 01.12.2020 for the offence punishable under Sections 309, and 302 IPC in Crime No.2106 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner is the mother of the deceased and the wife of the defacto complainant. There was a family dispute between the petitioner and her husband with regard to settlement of loan amount. Due to the same, on 08.09.2020, the petitioner consumed poison and also given poison to her minor daughter, aged about 9 years and immediately, both of them were taken to hospital, wherein, the minor daughter died. Hence, based on the complaint given by her husband, the case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that due to family dispute, out of frustration, the petitioner attempted to commit suicide and also out of fear that after her death nobody will take care of the minor child, she has given poison to her and she has no motive to cause death of her own daughter. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has given poison to her minor child, due to which, the innocent child died. She would further submit that investigation is completed and final report filed and the same is pending for trial in S.C.No.82 of 2021 on the file of the III Additional District Court, Kallakurichi. . Hence, she opposed to grant bail to the petitioner.

5. I have considered the submissions and perused the materials available on records carefully.

6. Considering the said facts and circumstances of the case and the fact that investigation is completed and now the matter is pending for trial, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.I, Kallakurichi and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the trial Court on all hearing dates without fail;

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
19/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.

5 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON, CUDDALORE.

CC to M/S.T.BALACHANDRAN Advocate on payment of necessary charges

WEB COPY
CRL OP.2945/2021
Date :19/02/2021

MN-22/02/2021