

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3509 of 2021

Ponni @ Nandhini

... Petitioner

Vs.

State by

The Station House Officer,  
Muthialpet Police Station,  
Puducherry Dt.  
(Crime No.150/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.150 of 2020 on the file of respondent police.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.V.Balamurugane,  
Public Prosecutor for Puducherry

O R D E R

(The case has been heard through video conference)

Totally, there are two accused and the petitioner is arrayed as A2. The petitioner, who was arrested and remanded to judicial custody on 10.12.2020 for the offence punishable under Sections 174 CrI.P.C. @ into 302, 201 r/w 34 of I.P.C., in Crime No.150 of 2020, seeks bail.

2. The case of the prosecution is that the deceased is mother of petitioner. Originally, the F.I.R. has been registered by the respondent police stating that the deceased is a mentally retarded and she behaved violently and also not taking treatment. On the date of occurrence, he died while sleeping and she was taken to hospital, wherein she was declared as dead. After post-mortem, it was found that the deceased was died due to auspica and also intra cervical hamorage. Subsequently, the investigation reveals that the deceased, the mother of the petitioner had behaved violently, at that time,

both A1 and A2 trying to pacify the deceased. Since she behaved more violently, the petitioner said to have put up a foam in her mouth and A1 said to have hold both hands of deceased and immobilised her, which resulted her death. Hence, the crime was altered to 302 I.P.C. and the petitioner was arrested and remanded to judicial custody on 10.12.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is the daughter of deceased and deceased is a mentally retarded person. When she behaved violently, both A1 and A2 trying to pacify him, he fallen down and sustained injury, thereby he died. He would submit that she is an innocent person and she is no way connected with the offence as alleged in the complaint. He would submit that she has been falsely implicated in the present case. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has put a foam in mouth of deceased and immobilised her, as a result of which, she died. Hence, she opposed to grant bail to the petitioner.

5. On perusal of records, it could be seen that when the deceased, who was mentally retarded person, behaved violently, both A1 and A2 trying to pacify her, at that time, the occurrence was taken place and the petitioner has no intention to kill the deceased. That apart, the petitioner is in jail from 10.12.2020, 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-II, Puducherry, 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, on her release from prison, shall report before the respondent police as and when required for interrogation;

(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/-  
25/02/2021

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.II, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE  
PUDUCHERRY [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUDUCHERRY.

4 THE PUBLIC PROSECUTOR  
PUDUCHERRY.

5 THE STATION HOUSE OFFICER,  
MUTHIALPET POLICE STATION,  
PUDUCHERRY DISTRICT.

+1 CC to M/S. R.SHRRIVATSAV Advocate on payment of necessary  
charges SR.No.2296

CRL OP.3509/2021

Date :25/02/2021

cs 26/02/2021



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