



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Eighth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.4438 of 2021

MEENA

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
NEGAMAM POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO.1158/2020

[RESPONDENT]

For Petitioner : M/S.P.KALIMUTHU Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under Section 174 of Cr.PC altered to 306 of I.P.C, in Crime No.1158 of 2020, on the file of the respondent Police, seek anticipatory bail.

2. The petitioner is A2 in this case and the deceased is the husband of the petitioner. The allegation is that the petitioner is said to have illegal intimacy with A1 in this case, and it was confirmed by the deceased. Despite the same she continued to have relationship with A1 frequently. Due to which the deceased committed suicide by hanging. Hence the crime was registered u/s 174 of Cr.P.C, and after investigation altered to 306 of I.P.C. Hence, the crime came to be registered.

3. The learned counsel for the petitioner would submit that the deceased is the husband of the petitioner and due to mental depression the deceased had committed suicide and she is not responsible for the death of the deceased. Hence, he prays for anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit the petitioner is the wife of the deceased and due to the misbehaviour of the petitioner, the deceased said to have committed suicide. He would submit that the investigation is completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. I have considered the rival submissions. On a perusal of records it is seen that the deceased is the husband of the petitioner and the allegation is that the petitioner is having some illegal relationship with A1, due to which the deceased committed suicide. Now it is stated that A1 was already arrested.

6. Considering the facts and circumstances of the case and the fact that the investigation is also completed, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate No.II, Pollachi, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original petition is ordered.

-sd/-
08/03/2021

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, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
NEGAMAM POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.4438/2021

Date :08/03/2021

cs 08/04/2021