

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5414 of 2020

Govindhammal

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No.189 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of her arrest in Crime No.189 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S. Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed as 2nd accused and she apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 498(A) later altered into 306 of IPC, in Crime No.189 of 2020 on the file of the respondent police, and now, she has filed the above petition seeking for anticipatory bail.

2. The learned counsel appearing for petitioner would submit that the petitioner is a mother-in-law of deceased. The allegation is that there is a family dispute between the deceased and A1-husband and the petitioner is a mother-in-law of deceased also said to have supported A1 and scolded the deceased. Hence, she has committed suicide by pouring kerosene and set fire on her. In the said circumstances, the F.I.R. has been registered against the petitioner. It is also stated that A1 was arrested and released on bail.

3. The learned Additional Public Prosecutor has opposed the anticipatory bail application on the ground that there is a dying declaration of deceased, wherein she has implicated the petitioner.

4. Taking into consideration of the fact that the petitioner is a mother-in-law, there is no serious allegation of abetment against her and now Al-husband is also released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Walaja, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

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

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

-sd/-
06/01/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, WALAJA.

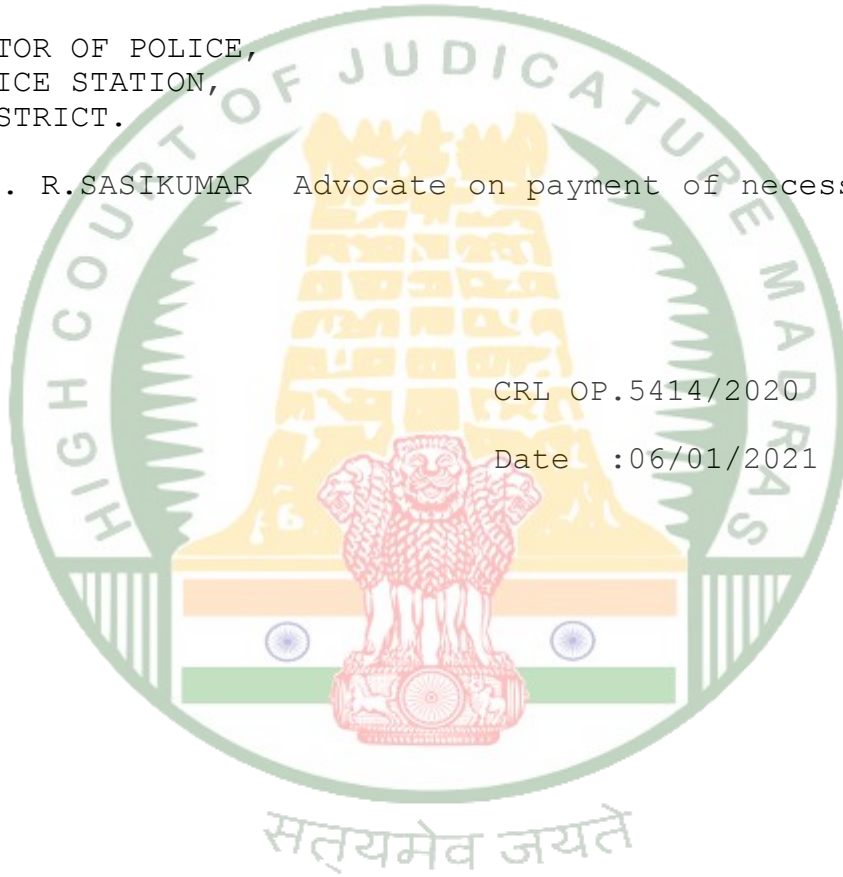
2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
SR.No.176

cs 19/01/2021



CRL OP.5414/2020

Date :06/01/2021

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