

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7966 of 2021

Mala

... Petitioner

Vs.

State rep by

The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District.
(Crime No.111 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Cr.No.111 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.P.Kumaresan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 30.03.2021 and remanded to judicial custody for the offences under Sections 294(b), 306 of IPC and 116 of IPC read with Section 4 of Women Harassment Act read with Section 4 of Tamil Nadu Prohibition of Charging exorbitant Interest Act 2003 in Cr.No.111 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant Chitra (Deceased) is a widower and she was residing at her mothers house along with her children and she was borrowed a sum of Rs.30,000/- before two years from one Geetha (A1) at the rate of interest of Rs.10/- and some time, the defacto complainant could not repay the interest to the said borrower. For which, the petitioner and other accused persons often picked up quarrel with the defacto complainant and abused her in filthy language. Due to which, the defacto complainant consumed pesticide and died. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and she has not committed any offence as alleged by the prosecution and she is in the judicial custody from 30.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner abused the deceased using unparliamentary words due to which she committed suicide by consuming pesticides. She further submits that investigation is almost completed.

5. Taking into consideration the fact that no specific overt act has been attributed as against the petitioner and also the fact that investigation is almost completed 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Oothukottai, Thiruvallur within a period of fifteen days from the date of receipt of a copy of this order, and on further condition that:

(a) 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. until further orders;

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
29/04/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, OOTHUKOTTAI,
THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE SUPERINTENDENT,
WOMEN'S WING, CENTRAL PRISON,
PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
THIRUVALLUR DISTRICT.

+1CC to Mr.P.Kumaresan Advocate on payment of necessary charges SR NO.5575

CRL OP.7966/2021

Date :29/04/2021

MK:30/04/2021