



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12549 of 2021

WEB COPY

Soundarya
W/o.Selva Kumar ,

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Mecheri Police Station,
Salem District.
(Cr.No.188 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of her arrest by the respondent police in Crime No.188 of 2021 on the file of the Inspector of Police, Mecheri Police Station, Salem District.

For Petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 326, 506(ii) IPC @ 294, 324, 326, 307, 302, 506(ii) and 109 of IPC in Crime No.188 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's elder son and the petitioner got love married, subsequently often, there was a quarrel in between the defacto complainant and the petitioner/daughter-in-law and there was some family dispute in between the petitioner's family and the defacto complainant's family. While so, on the date of occurrence, wordy quarrel arose between the defacto complainant and the petitioner/daughter-in-law, the petitioner called her parents through mobile, accordingly, they came to the defacto complainant's house with deadly weapons and attacked the defacto complainant's husband and abused them with filthy language and caused severe injuries to them and they were admitted into the hospital, there, the defacto complainant's husband died. Hence the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that there was a love marriage between the petitioner and the deceased's elder son. For employment, the deceased's son went to Thirupattur, thereafter, the deceased consumed alcohol and threatened the petitioner, for which, the petitioner called her parents for her security. Due to which, there was a wordy quarrel in between them, which resulted in causing injuries to the defacto complainant's husband, who succumbed to the injuries. He further submits that there was no serious allegation leveled against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits due to family dispute, there was a wordy quarrel between the petitioner's family and the defacto complainant's family. The petitioner's family members attacked the defacto complainant's husband and caused fatal injuries to him. Thereby, the deceased lost his life. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and there was no serious allegations leveled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Mettur 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 and on further condition that:

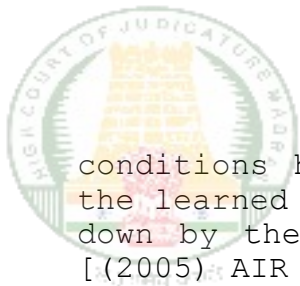
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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 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;

WEB COPY

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

-sd/-
20/07/2021

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,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.R.JOTHIMANIAN Advocate on payment of necessary charges SR.NO.7603

CRL OP.12549/2021

Date :20/07/2021

INBA 30/07/2021