

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20349 of 2020

Malar

... Petitioner

Vs.

State Represented by
Inspector of Police,
Polur Police Station,
Thiruvannamalai District,
(Crime No.2979 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.2979 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Swamidoss Manokaran

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Section 174(3) Cr.P.C. and subsequently it was altered to Sections 498(A) and 306 of IPC in Crime No.2979 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is ranked as A2. The petitioner is the mother-in-law of the deceased Kamatchi. A1 is the husband of the said Kamatchi. It is also alleged that due to family dispute, there was frequent wordy quarrel arose between A1 and A2 and the deceased. Due to the same, the said she committed suicide by hanging. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the mother-in-law of the deceased. It would further submit that she had nothing to do with the alleged offence and she is living separately with her family and that a false case has been foisted against her. Therefore, he prays for anticipatory bail to the

4.The learned Additional Public Prosecutor on instructions would submit that due to frustration in respect of family dispute between A1 and the deceased, she committed suicide by hanging. He would further submit that A1 was arrested and now released on bail.

5.Considering the fact that A1 was arrested and now released on bail and that no custodial interrogation required against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Polur, 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 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 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].

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

-sd/-

07/01/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
POLUR.

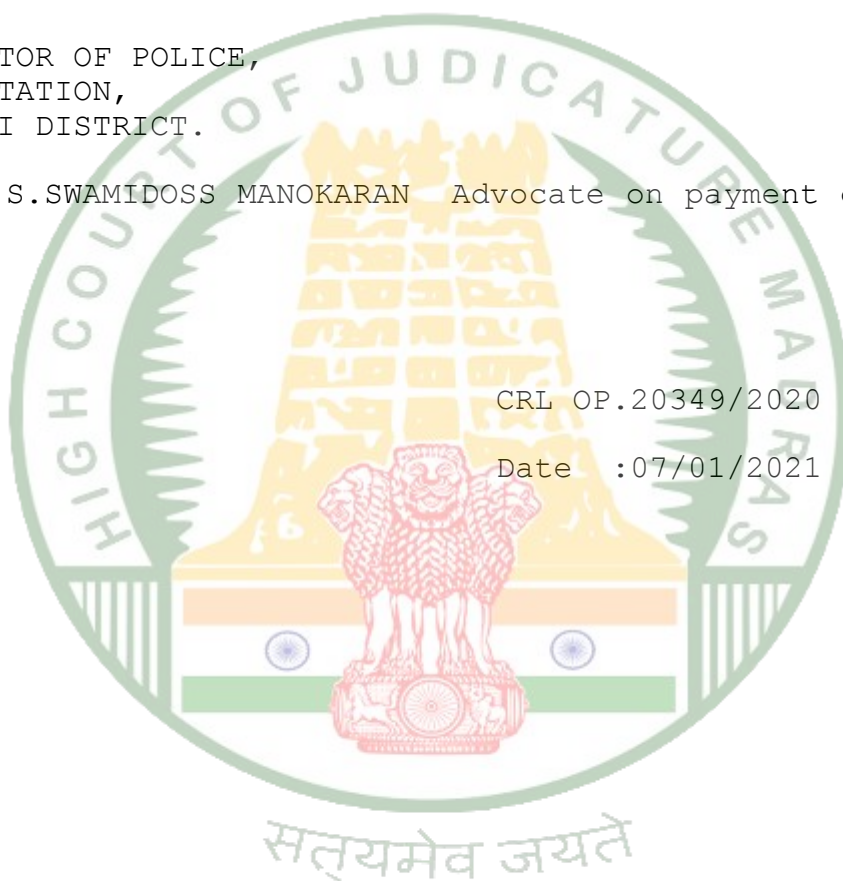
2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S S.SWAMIDOSS MANOKARAN Advocate on payment of necessary
charges

cs 25/01/2021



CRL OP.20349/2020

Date :07/01/2021

WEB COPY