

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20562 of 2020

Indhira

... Petitioner

Vs.

The State Rep. by
The Station House Officer,
Thiruppapuliur Police Station,
Cuddalore District.
(Crime No.1568 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1568 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.K. Gandhi Kumar,

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

The petitioner/A2, who was arrested and remanded to judicial custody on 03.11.2020 for the offence punishable under Section 498(A) and 304-B IPC, in Crime No.1568 of 2020, seeks bail.

2. The case of the prosecution is that the marriage between the deceased and A1 took place on 30.08.2020 and at the time of marriage, father of the deceased promised to give 50 sovereigns of gold jewels, however, he was not able to fulfill the promise. Hence, the petitioner and her family members harassed the deceased, due to which, she committed suicide on 03.11.2020. Hence, the respondent police registered a case against the petitioner and others.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 03.11.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail on the ground that RDO report is yet to be filed.

5. Considering the fact that the petitioner is monther-in-law of the deceased and as there is no specific allegations as against her and considering the age of the petitioner, 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:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Additional Mahila Court, Cuddalore, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on her release from prison, shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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

-sd/-

04/01/2021

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 ADDITIONAL JUDGE,
MAHILA COURT, CUDDALORE

2 THE SUPERINTENDENT,
WOMEN PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

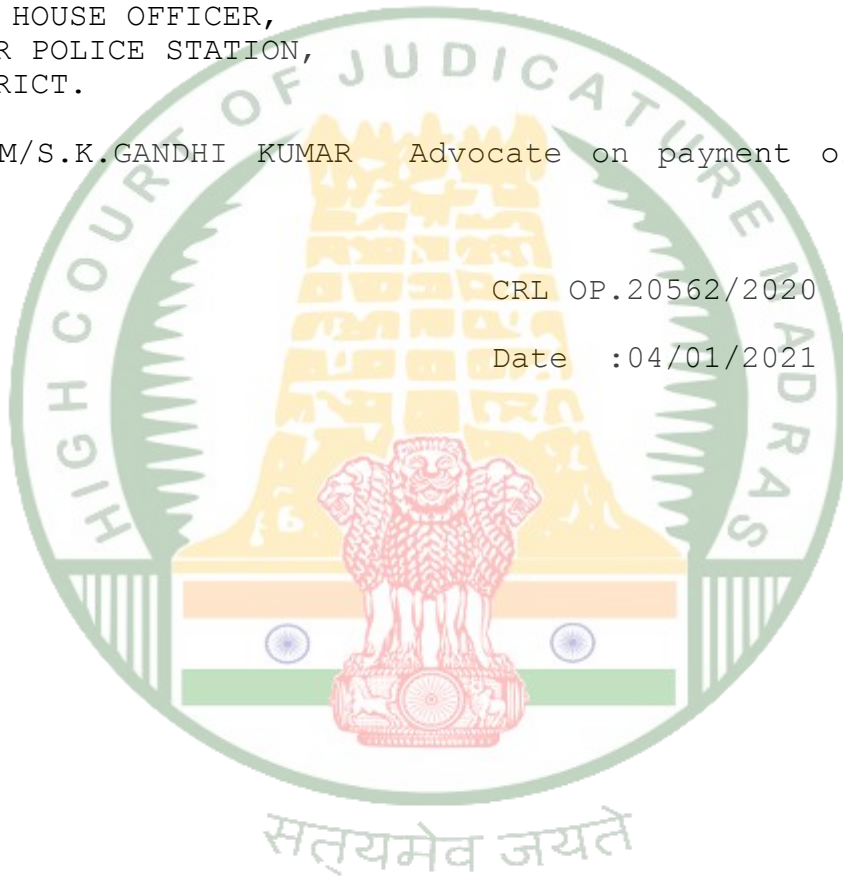
4 THE STATION HOUSE OFFICER,
THIRUPPAPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary
charges Sr.22

CRL OP.20562/2020

Date :04/01/2021

RVR 05/01/2021



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