

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20900 of 2020

Sathya

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No.1979 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.1979 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.C.S.Saravanan

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

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused and she apprehends arrest at the hands of the respondent police for the alleged offence under Sections 302, 309 of IPC, in Crime No.1979 of 2020 on the file of the respondent police, and now, she has filed the above petition seeking for anticipatory bail.

2. The case of prosecution is that the petitioner is a mother of two daughters. Due to some family dispute, out of stress and frustration, she said to have given poison to her children and she had also consumed poison, in which one child died, and the petitioner, another child survived. In the said circumstances, the F.I.R. has been registered under Sec.302 and 309 I.P.C.

3. The learned counsel appearing for the petitioner would submit that out of stress and frustration, she said to have decided to commit suicide and consumed poison. He would further submit that since nobody will be available to take care of the child after her death and out of fear, she has given poison to her children. Unfortunately, one child died and another child

surviving. She had taken treatment for two months and now, under the care of her husband. Hence, he prays to grant anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner, being a mother, in order to commit suicide, she had consumed poison and she has given poison to her children and, out of which, one child died and another child surviving.

5. Taking into consideration the fact that out of stress and frustration, the petitioner said to have decided to commit suicide and fearing that children may not be taken care of after her death, and out of fear, she has given poison to her children and prima facie, she had no intention to murder her own child. In the said circumstances, 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, Avinashi, 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.

6. 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S C.S.SARAVANAN Advocate on payment of necessary charges SR NO.102

CRL OP.20900/2020

Date :06/01/2021

MK:19/01/2021

WEB COPY