



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD) . No.3800 of 2021

J.Ajitha

... Petitioner/Accused No.2

Vs

State through
The Sub Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai Pudukottai,
Cr No. 55/2021.
Madurai.

... Respondent/Complainant

For Petitioner : M/s.Karuppiyah.R.,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PRAYER :-

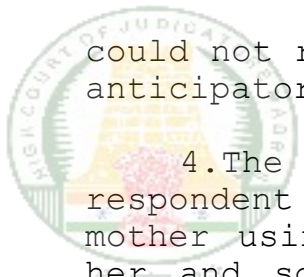
For Anticipatory bail in Cr.No.55 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the wife of the defacto complainant had committed suicide by hanging on 24.02.2021 at about 08.00 am. The defacto complainant along with his wife was living as tenant under petitioner's mother and advance amount was fixed at Rs.20,000/- and monthly rent at Rs.4,500/-. Thereafter, since the house owner wanted the property, asked the defacto complainant to vacate the premises, at that time, house owner calculated the dues and informed that after deducting Rs.11,650/-, balance amount will be given and thereafter, only Rs.3,000/- will be given in the advance amount. When the defacto complainant questioned about the same, the petitioner and her mother abused her in filthy language and tried to attack with broomstick, due to which, the defacto complainant committed suicide by hanging.

3.The learned counsel for the petitioner would submit that the petitioner is a college going student, aged about 19 years old and the allegation against the petitioner is that the petitioner along with her mother had scolded the deceased and there is no overt act against the petitioner herein. He would further submit that the deceased is already a mental illness person and due to which, they



could not reside in any of the previous rental house, hence he seeks anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner along with her mother using broom stick abused the deceased and also threatened her and some of the persons who were present near the scene of occurrence has also witnessed the same and due to the said humiliation she committed suicide by hanging. He would also submit that the investigation is at the crucial stage, hence opposed to grant bail to the petitioner.

5. It is seen that no specific overt act has been attributed as against the petitioner she along with her mother had abused the humiliated the deceased displaying the broom stick in front of others. Admittedly in this case the deceased was taking treatment for mental illness for a long time. In fact she has been changing the residence for her mental illness for change of place. Picking up quarrel and using abusive words is common between the neighbors, tenants and others. In this case there was fight between the petitioner and the deceased and use of abusive words, nothing more. Each persons would react to the situation differently and the deceased in this case due to her other complications has chosen to take this step. Further the petitioner is a college student studying II year BBA.

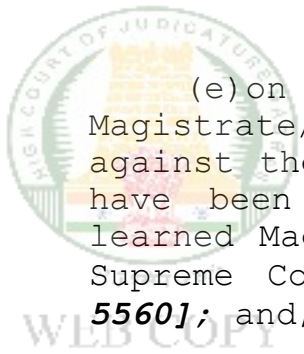
6. Taking into consideration the facts and circumstances of the case and also taking into consideration the age of the petitioner this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai 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 to 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 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 as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness 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/-
17.03.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate No.VI, Madurai.
2. -Do- Through The Chief Judicial Magistrate,
Madurai District.
3. The Sub Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai Pudukottai,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.3800 of 2021
Date : 17/03/2021

VB VR SAR3(24.03.2021) 3P 5C