



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

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4696 of 2021

M.Usha

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Usilampatti Police Station,
Madurai District.
Crime No.2195/2020.

... Respondent/Complainant

For Petitioner : Mr.S.P.Naveen Kumar,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.2195 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 302 and
309 IPC in Crime No.2195 of 2020 on the file of the respondent
police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is married
with one Mohanraj and they have one female child. The husband of
the petitioner is jobless and suffered with mental illness. Due to
depression, the petitioner attempted to suicide by consuming poison
and also gave poison to her daughter. Thereafter, the relatives
took both of them and rushed to hospital. However, the child was
died and the petitioner herein survived. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent person and she has not committed
any offence as alleged by the prosecution and she has been falsely



implicated in this case. He further submitted that due to the harassment and torture in the hands of the petitioner's husband, the petitioner decided to commit suicide along with her child. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the investigation is pending.

5.It is seen that the husband of the petitioner was affected with mental disorder and he had failed to take care of the family. The petitioner used to complain the same to her parents and the parents also not supported her. Feeling that no one is there to take care of her, she decided to commit suicide along with her child and consumed the poison. Thereafter, they brought up to the hospital by the relatives. In the hospital, the child was declared as dead and the petitioner herein survived.

6.Considering the above facts and circumstances of the case, 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 her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Usilampatti, 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 petitioners 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 appear 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;

(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 *Govindarajan P. In/ K. S. S. S. Vs. State of Kerala* [(2005) AIR SCW 5560]; and;



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

sd/-
31/03/2021

WEB COPY

/ TRUE COPY /

/ /2021

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

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.I,USILAMPATTI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
USILAMPATTI POLICE STATION,
MADURAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.P.NAVEEN KUMAR Advocate SR.No.2779

ORDER
IN
CRL OP(MD) No.4696 of 2021
Date :31/03/2021

GNS
TK/JC/SAR.3/08.04.2021/3P/6C