



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

Date : 09/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19274 of 2021

Fathima Beevi

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District
(Crime No.518 of 2021).

... Respondent/Complainant

For Petitioner : M/s. G.Mariappan,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

For Intervener: Mr.P.M.vishnu Vardhanan

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

PRAYER :-

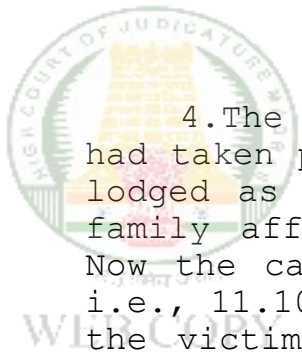
For Anticipatory Bail in Crime No.518 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 307 IPC and 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.518 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the marriage was solemnized between the first accused and the defacto complainant's daughter/victim girl on 01.12.2013 and after the marriage, A1 had illegal intimacy with the victim girl and in order to eliminate the wife of the first accused, the petitioner along with the first accused, strangled the victim girl and attempted to kill her.
Hence, the complaint.



4.The learned Senior counsel pointed out that the occurrence had taken place on 14.01.2021 and on that day, a complaint was also lodged as against A1 that due to his conduct and dispute in the family affairs, the victim girl had attempted to commit suicide. Now the case has been projected after 10 months of the occurrence i.e., 11.10.2021 as if the petitioner along with A1 has strangulated the victim girl. He also pointed that the defacto complainant in this case is the father of the victim girl, who was a retired as Sub-Inspector of Police.

5.This petitioner moved anticipatory bail earlier, which came to be dismissed by this Court on 28.10.2021 taking into consideration of condition of the victim girl.

6.Now, the learned Government Advocate submits that the Investigating Agency has not completed the investigation so far.

7.Considering the rival submissions, and also the earlier complaint lodged on 14.01.2021, and on the date of occurrence, it was only the case of abetment of suicide against A1, subsequently, after 10 months, this petitioner has been implicated, alleging that she along with A1 had attempted to strangulate the victim. Though, the occurrence had taken place on 14.01.2021, the Investigating Agency has also not completed the investigation so far, hence, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the Judicial Magistrate Court No.III, Tiruchirapalli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/12/2021

/ 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.III,
Tiruchirapalli.
- 2.Do Through The Chief Judicial Magistrate,
Tiruchirapalli.
- 3.The Inspector of Police,
Jeeyapuram Police Station,
Trichy District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-9030[I] dated 09/12/2021)

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-9095[I] dated 10/12/2021)

ORDER
IN
CRL OP(MD) No.19274 of 2021
Date :09/12/2021

RS/PN/SAR4(20.12.2021) 3P-7C

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