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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5972 of 2022

1.Jaisi
2.Agalya

.. Petitioners

Vs.

State rep. by
The Inspector of Police,
H-1 Washermenpet Police Station,
Chennai.
(Crime No.37 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.37 of 2022 on the file of the respondent police.

For Petitioners : Mr.J.Rajkumar

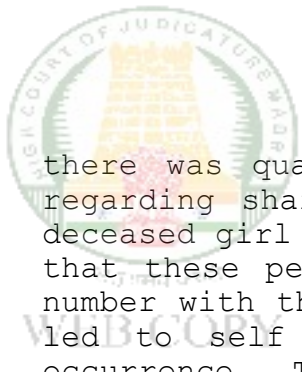
For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners, who were arrested on 14.01.2022 in Crime No.37 of 2022, on the file of the respondent police, seek bail.

2. Heard the learned counsel for the petitioner and the Learned Additional Public Prosecutor.

3.It is a case of suicide by 13 years old girl implicating the petitioners herein for the cause of her death. A complaint was given by the father of the deceased minor girl based on the information given by the deceased girl before her death. However, from the record, this Court finds that the Investigating Officer arranged for statement of the deceased girl. When she was in the hospital, she was not in fit state of mind to give statement and what is referred in the F.I.R. is the alleged statement of the deceased girl regarding her cause of death to her father after the visit of the learned Magistrate and the Doctor's report. Even according to the F.I.R., it appears that



there was quarrel between the deceased girl and one Saran aged 16 regarding sharing of her phone number, when the said Saran and the deceased girl were at the house of the petitioners herein. It appears that these petitioners scolded the deceased girl to share her phone number with the said Saran. This has disturbed the deceased girl and led to self immolating herself. She died five days after the occurrence. These petitioners are the mother and daughter. The overtact attributed in the F.I.R is that they supported Saran and pressurized the victim girl to share her cell number to Saran.

4.Considering the alleged overtact attributed to these petitioners and the death of the minor girl committing suicide, the respondent police has registered case under sections 509, 354A(1)(iv) of IPC and Section 4 of T.N. Prohibition of Harassment of Women Act and Sections 12 and 17 of POCSO Act altered to Section 509, 354A(1)(iv) IPC & Section 4 of TNPHW Act & 305 IPC. The petitioners were arrested on 14.01.2022. Considering the nature of the allegation made against these petitioners and the material collected during the course of the investigation, this Court is inclined to grant bail to the petitioners. Accordingly, bail is granted to the petitioners and they are ordered to be released on bail subject to the following conditions;

(a)Each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town, Chennai.

(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 petitioners are directed to report before the Investigating Officer daily at 10.30 a.m. until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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15/03/2022

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 METROPOLITAN MAGISTRATE,
NO.XV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
H-1, WASHERMENPET POLICE STATION,
CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.RAJKUMAR Advocate on payment of necessary charges
SR.No.3908

CRL OP.5972/2022

Date :15/03/2022

CSK 16/03/2022