



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11823 of 2022

KAMALA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CRIME NO.226 OF 2022.

[RESPONDENT]

For Petitioner : M/S.K.KISHORE Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

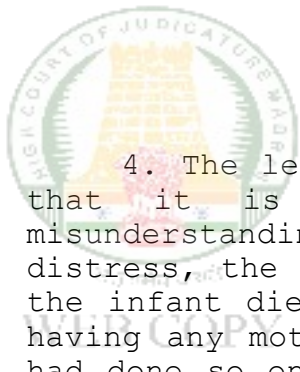
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 309, 307 and 302 of IPC in Crime No.226 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner got married and gave birth to two children, a daughter aged about 3 years and a 7 months old son. Disputes arose between the petitioner and her husband and unable to bear the cruelty caused by her husband, the petitioner decided to commit suicide with her two children. Pursuant thereto, the petitioner threw her infant son into a Well and when she and her daughter attempted to jump, the public nearby prevented them from doing so. Unfortunately, the infant child drowned and died.

3. Admittedly, the petitioner had harassment from her husband, due to which she decided to commit suicide along with two kids. Fortunately, the petitioner and her 3 years old daughter were saved by the public and unfortunately, the 7 months old son drowned into the well and died.



4. The learned counsel appearing for the petitioner would submit that it is a case of matrimonial dispute and owing too misunderstanding, the petitioner and her husband and due to mental distress, the petitioner decided to commit suicide and in such event, the infant died. Learned counsel submits that the petitioner was not having any motive or intention to commit the said act, however, she had done so only out of mental distress and harrasment caused by her husband. Hence, he prays to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that though it is a case of matrimonial dispute, due to the act of the petitioner, a 7 months infant was unfortunately died. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Considering the above facts and circumstances, 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 on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Tiruvannamalai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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 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 229A IPC.

-sd/-
20/05/2022

WEB COPY

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,
NO.II, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.KISHORE Advocate on payment of necessary charges
SR.NO.7673

CRL OP.11823/2022

Date :20/05/2022

JPA 24/05/2022