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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13452 of 2022

Guruvayi @ Rasathi

..Petitioner

Vs.

State rep by
The Inspector of Police,
Anthiyur Police Station,
Erode District.
(Crime No.166 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.166 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Vijayaragavan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2022 for the offence punishable under Section 306 of IPC in Crime No.166 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner is the wife of one Gurusamy. The said Gurusamy had an illicit relationship with one Valarmathi who is the wife of the defacto complainant. The said Gurusamy and Valarmathi had eloped and there was a wordy quarrel between the relatives of Gurusamy and the defacto complainant, due to which, the defacto complainant's daughter had committed suicide by hanging. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the mother of the deceased had illegal intimacy with the petitioner's husband. Therefore, the petitioner and her relatives went



to the house of the defacto complainant and questioned about the same, due to which the deceased who is the daughter of the person who had illegal intimacy with the petitioner's husband committed suicide by hanging herself. According to the case of the prosecution, the petitioner questioned her husband and the mother of the deceased with regard to their illegal intimacy. Therefore, there is no instigation by the petitioner for the deceased to commit suicide. The deceased have committed suicide for the reason that her mother had an illegal intimacy with the petitioner's husband. Therefore, the offence under Section 306 is not at all made out as against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 20.05.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Judicial Magistrate No.II, Bhavani, Erode District and on further conditions that:

[a] 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 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 abscond either during investigation or trial.

[d] 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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10/06/2022

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 JUDICIAL MAGISTRATE,
NO.II, BHAVANI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANTHIYUR POLICE STATION,
ERODE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.VIJAYARAGAVAN Advocate on payment of necessary charges SR.No.8831

CRL OP.13452/2022

Date :10/06/2022

CSK 10/06/2022