



Crl.O.P.No.20914 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 302, 307, 109 & 309 of IPC in Crime No.130 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, due to the family dispute with her husband, administered poison to her two children and herself attempted to commit suicide. However, the petitioner and one of her daughter were saved and unfortunately, her another daughter died due to administration of poison. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner due to the dispute with her husband, attempted to commit suicide and fearing that there is no one to take care of her children, she administered poison to her two children also. Unfortunately, one of her children died and the petitioner and the another child were



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kept in the hospital for 15 days and they were discharged from the hospital. He would also submit that major part of the investigation is over, however, the respondent have not taken any steps either to arrest the petitioner or to take her in police custody. He would further submit that the petitioner is ready to cooperate with the respondent police for the investigation. Thereby, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that due to the family dispute with her husband, the petitioner had administered poison to her two children and herself attempted to commit suicide, in which the petitioner and one of her daughters were saved and unfortunately, her another daughter died. He would also submit that the petitioner and the daughter have been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the



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submissions made by the learned counsel for the petitioner and also considering the fact that the respondents have not taken any steps for arrest and custodial interrogation of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner are 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 No.5, Salem**, on condition that the petitioner 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 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 stands dismissed and on further condition that:



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[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, 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 absconds, a



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fresh FIR can be registered under Section 229A IPC;

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