



Crl.O.P.No.23700 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.23700 of 2022

Ammu @ Rajeshwari

... Petitioner

Vs.

The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.

(Crime No.302/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in respect of Crime No.302 of 2022

(On the file of K-4, Anna Nagar Police Station) Chennai.

For Petitioner : Mr.S.Mohanraj

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.09.2022 for the offences punishable under Sections 196 & 306 of IPC, in Crime No.302 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner had abused the victim and called her as immoral woman, due to which, the victim had attempted suicide on 18.09.2022 by self immolation and she was taken to the hospital and she breathed her last on 19.09.2022. Based on the complaint, the case has been registered for the offence under Sections 196 & 306 IPC. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is none other than the sister-in-law of the victim/deceased, is an innocent person and she has been falsely implicated in this case. He would further submit that the victim had earlier eloped with one Robert and after the intervention of the family members, she was brought back and she was living with her husband, who is the brother of the



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petitioner. He would also submit that the victim by feeling guilt of her act, had attempted suicide by self immolating her. He would further submit that other than the quarrel between the petitioner and the victim, the petitioner has not abetted the victim to commit suicide. Thereby, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is none other than the sister-in-law of the deceased/victim. He would further submit that the victim has eloped with one Robert and due to the intervention of the family members, she came back and lived with her husband and children, at that time, the petitioner had abused the victim stating that she had eloped with another person, due to which, the victim committed suicide by self immolation and she was admitted in hospital on 18.09.2022, unfortunately, she died on 19.09.2022. He would further submit that dying declaration has also been recorded from the victim. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) and perused the materials available on record including the dying declaration recorded from the victim/deceased.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also perusing the dying declaration of the deceased, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 V Metropolitan Magistrate Court, Egmore, Chennai**, 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 the



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respondent Police everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.10.2022

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1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.
3. The Central Prison,
Women Special Jail,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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