



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.899 of 2022

WEB COPY

Nisha

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
Cr.No.486 of 2021.

... Respondent/Complainant

For Petitioner : Mr.C.SURESH KANNAN,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.486 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302 and 309 of IPC, in Cr.No.486 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and her son had consumed poison and as a result of which, her son died on the spot. Based upon which, the present case has been registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner's husband had died one year back due to fire accident, that the petitioner is having 1 ½ year old child, that the petitioner was suffering from depression and mental illness and that she had consumed poison along with her child. Subsequently, after treatment she has recovered but her child died.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the mother of the petitioner has reported that the petitioner along with her child were found missing and that subsequently, the complaint was lodged by the Village Administrative Officer and on that basis the First Information



Report came to be registered. He would further submit that the investigation has already been completed and the charge sheet has already been filed before the Jurisdictional Magistrate.

5.Considering the above facts and circumstances and also the fact that the investigation has already been completed and the charge sheet has already been filed before the concerned Court and also taking note of the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, Trichy District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 concerned Court daily at 10.30 am for a period of one month 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.PRAKASH, Advocate (SR-1630[I] dated 02/03/2022)

ORDER

IN

CRL OP(MD) No.899 of 2022

Date :02/03/2022

RS/PN/SAR.4 (09.03.2022) 3P-6C