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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.1204 of 2023

Radha

Petitioner

Vs...

State represented by
The Inspector of Police,
Thimmampettai Police Station,
Thimmampettai, Tirupathur District.
(Crime No.154 of 2022).

Respondent

Prayer:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.154 of 2022 on the file of the Inspector of Police, Thimmampettai Police Station, Thimmampettai, Tirupathur District.

For Appellant : Mr.G.Vinodh Kumar

For Respondent : Mr.N. Muthuvel
Government Advocate
(CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.12.2022 for the alleged offence under Section 174(3) of Cr.P.C. and subsequently altered into Sec. 306 of I.P.C. in Crime No.154 of 2022 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the defacto complainant one meena who is the mother of deceased Swetha, lodged complaint against the petitioner and another. The defacto complainant alleged in her complaint that on 29.11.2022 there was some family dispute and misunderstanding between the daughter of defacto complainant and the petitioner and thereafter, she went to her mother's house. On the advise of defacto complainant and her family members, she went back to her matrimonial home. However, on 30.11.2022 at about 04.00 p.m. the defacto complainant received a phone call stating her daughter died by hanging. Hence, the deceased mother lodged a complaint against her mother-in-law.

3. The learned counsel for the petitioner submitted that on the date of occurrence, when deceased locked herself in a room and hung herself, she tried to seek help of neighbours to save her, but all steps taken by her ended in vain. He would submit that she is no way connected with the occurrence and she has not at all committed any offence as alleged by the respondent police.



4. It has been further submitted that the petitioner is suffering incarceration from 01.12.2022 and she is a law abiding citizen and ready to furnish substantial surities and ready to abide by any condition imposed by this Court for granting bail. Hence, he prayed to grant bail to the petitioner.

5. Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner is mother in law of deceased girl and girl hanged to death due to family dispute. The RDO enquiry is still pending in this case. Nine witnesses have been examined and investigation has almost completed. However, considering the gravity of the offence, he opposed to grant bail to the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 60 days and nine witnesses have been examined and also investigation is almost in completed stage, 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 his 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 of the **learned Judicial Magistrate, Vaniyambadi**, 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 is directed to report before the respondent police on every day at 10.30 a.m., until further orders.

[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]**;



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

30.01.2023

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To

1. The learned Judicial Magistrate, Vaniyambadi
2. The Superintendent
The Special Women Prison, Vellore.
3. The Inspector of Police,
Thimmampettai Police Station,
Thimmampettai, Tirupathur District.
4. The Public Prosecutor,
High Court, Madras.

A.A.NAKKIRAN.,J



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