



Crl.O.P.No.6314 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 324 of IPC @ 304(2) of IPC, in Crime No.73 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant/Magendran is that the petitioner is an alcoholic and he used to create problem in the family by assaulting his wife and thereby his wife has left the house and she is residing in her mother's house. On 03.03.2023, he was in an inebriated condition and he had assaulted his mother who was lying in the hall and at that time the mother had threatened him saying that his behaviour was not good and poured the hot water on him. Due to which, he had also suffered current shock and he had also suffered injuries and thereafter he was admitted at the Jipmer Hospital, Puducherry for treatment. On the complaint given by him, a case in Crime No.73 of 2023 was registered under Section 324 of IPC and later during the treatment, the defacto complainant passed away and



Crl.O.P.No.6314 of 2023

thereby the case was altered under Section 324 IPC @ 304(2) of IPC.

Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the defacto complaint/victim who is the son of the petitioner and when he was in inebriated condition had assaulted her and her daughter-in-law and unable to bear the torture, she had fit of rage, thrown hot water on the victim. Subsequently, due to electric shock, he has also suffered burn injury and was taken to the hospital and later he died. He would further submit that it was not the intention of the petitioner either to cause injury or cause death of the victim. The incident had happened only in a fit of rage, since the victim had misbehaved with the petitioner and the daughter-in- law of the petitioner. He would further submit that major part of the investigation is over.



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Crl.O.P.No.6314 of 2023

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the mother of the victim and the victim in an inebriated condition, misbehaved and harassed his mother and his wife. The petitioner had splashed the hot water on him and he sustained injury and thereafter he was taken to the hospital and later the victim had died. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is 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 II, Villupuram, on condition that the petitioner shall



CrI.O.P.No.6314 of 2023

WEB COPY

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 stand dismissed 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 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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CrI.O.P.No.6314 of 2023

[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 fresh FIR can be registered under Section 229A IPC;

24.03.2023

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Crl.O.P.No.6314 of 2023

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Crl.O.P.No.6314 of 2023

24.03.2023