



Crl.O.P.No.27135 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.27135 of 2023

Selvi @ Tamilselvi W/o. Kannan

...Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
Mangalamedu Police Station,

(Crime No.45 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.45 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.T.Dharani

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 seeks bail in Crime No.45 of 2023, originally registered under Section 174(3) Cr.P.C., and subsequently altered to Section 306 of IPC.

2.The petitioner herein is the mother-in-law of the deceased.

3.The previous bail application came up for consideration in Crl.O.P.No.24843 of 2023 and it had been dismissed by an order dated 15.11.2023.

4.The petitioner is the mother-in-law of the deceased and A2 is the sister-in-law of the deceased. It is stated that the husband of the deceased was working in abroad. The deceased was staying in her parents house and when she came back to the marital house, there was a quarrel relating to division of the properties. Being extremely frustrated, it is stated that she had also committed the murder of two children both aged 2 years by



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suffocating them and later, committed suicide. The entire incident took place on 28.01.2023. Thereafter, the investigation had to be done to find the actual role as to who has causing death of two young children and committing suicide by the deceased.

5.The learned counsel for the petitioner pointed out the alteration report filed by the respondent seeking to alter the first information report from 174(3) Cr.P.C to Section 306 of IPC and pointed out that there was no demand for dowry, but rather it was only a dispute which had arisen and which had caused drastic steps to be taken by the deceased.

6.The one change in circumstance from the date of dismissal of the earlier bail application is that investigation is proceeded to a large extent and the respondents are confident of filing charge sheet within a short period of time.

7.Taking into consideration the period of incarceration and considering the particular fact that investigation is practically over, I am inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on



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her executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Kunnam, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report respondent police everyday at 10.30 a.m., for a period of one week and thereafter, once in a week i.e., on every Monday 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 absconds, a fresh FIR can be registered under Section 229A IPC.



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To

1. The District Munsif cum Judicial Magistrate, Kunnam.
2. The Special Prison for Women, Trichy.
3. The Inspector of Police,
Mangalamedu Police Station,
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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