



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/02/2023
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2134 of 2023

Saravanaselvi

... Petitioner

Vs

The State rep.by
The Inspector of Police,
Chatrapatti Police Station,
Natham Main Road, Madurai,
Tamilnadu-625 301.
In Crime No.109 of 2022.

... Respondent

For Petitioner : Mr.N.Nagendara Ramanan, Advocate
for M/s.Niranjan S.Kumar, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

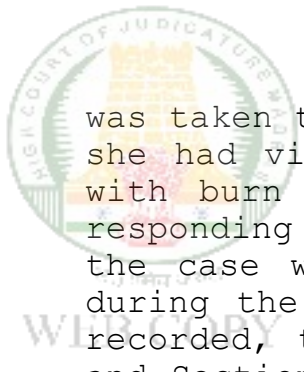
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.109 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C. @ Sections 305 and 366 of IPC and Sections 7, 8 and 17 r/w 21 of POCSO Act in Crime No.109 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner Saravanaselvi has got two daughters, one is aged 24 years and one minor daughter is aged 17 years and that the minor daughter was studying 12 standard in Government School, Sathrapatti and prior to three months of occurrence, the minor girl had quarrelled with the petitioner and gone and stayed with one Sakthi S/o, Alagu belonging to Thondaimanpatty. While so on 31.10.2022 at 08.00 a.m., the petitioner's minor daughter had called her and informed that she is coming back to home and she had asked her daughter to come home and she had went to job. While so around 12.00 noon, she received a call from Mobile No.9344572406 stating that her daughter has suffered burn injuries in a fire accident, while she was cooking and that she



was taken to Madurai Government Rajaji Hospital in 108 Ambulance and she had visited the ward and found that her daughter was admitted with burn injuries. While so, she died on the same day, without responding to the treatment at 11.40 p.m. Based on the complaint, the case was registered under Section 174 of Cr.P.C., and later, during the course of investigation, based on the Dying Declaration recorded, the case was altered into under Sections 305 and 366 IPC and Sections 7, 8 and 17 r/w 21 of POCSO Act against the petitioner along with one Sakthi and his father and mother. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and only on the complaint given by the petitioner, a case came to be registered in Crime No.109 of 2022. He would further submit that the fact remains that the victim is none other than the daughter of the petitioner. The daughter of the petitioner/victim was studying 12th standard and she was aged about 17 years and that on 31.10.2022, she had eloped with one Sakthi S/o. Alagu from Thondamanpatti and she was living with her. The petitioner was depressed by the fact that her minor daughter had eloped and that on 31.10.2022, the victim had called her over phone and the petitioner had also asked her to come home, whereas, within few hours, the petitioner received an information that her daughter had sustained burn injuries in a fire accident, while cooking and that she was taken to Madurai Government Rajaji Hospital in 108 Ambulance and the petitioner had immediately gone there and seen her daughter and based on the information given by the petitioner, a case was registered. Later, the victim girl has given a statement, as if, she had asked the petitioner to allow her to come back home and that since the petitioner had refused, she has committed suicide. He would further submit that the petitioner being the mother of the victim, at one point of time, she refused her daughter to come home and only on the instigation of the family members of her lover Sakthi, she has given such a statement. He would further submit that other than the allegation, the petitioner refused to allow the victim to come back to her home, there is no allegation of abetment to commit suicide against the petitioner and thereby, he would seek anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is the mother of the victim girl and she is the informant in this case. He would further submit that on the complaint given by the petitioner, a case came to be registered under Section 174 of Cr.P.C. In the complaint, the petitioner's minor daughter had attempted to commit suicide and on the information given by the petitioner that her minor daughter attempted to commit suicide, she was admitted in the hospital, a case was registered. However, a dying declaration has also been recorded from the victim, wherein, she had stated that since the petitioner did not allow her to come back home, she attempted to commit suicide by self immolation and later, she died.



5. Heard. Perused the materials available on record including the First Information Report and also the Dying Declaration of the deceased.

6. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. 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 Court No.V, Madurai, on condition that the petitioner shall execute 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 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, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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].

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

sd/-

02/02/2023

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/02/2023

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



SJI

TO

1 THE JUDICIAL MAGISTRATE COURT NO.V,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
CHATRAPATTI POLICE STATION,
NATHAM MAIN ROAD, MADURAI,
TAMILNADU-625 301.

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

+1. CC to M/S.NIRANJAN S.KUMAR Advocate SR.No.1752

ORDER

IN

CRL OP (MD) No.2134 of 2023
Date :02/02/2023

SA/SAR.4/13.02.2023/4P/6C