

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.9696 of 2021

Valli

... Petitioner

Vs.

State, represented by  
The Inspector of Police,  
Madhurandhakam Police Station,  
Chengalpattu District.  
Cr.No.153/2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with Crime No.153 of 2021 on the file of respondent police.

For Petitioner : Mr.B.Devakumar

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 08.04.2021 and remanded to judicial custody for the offences under Section 174(3) of Cr.P.C @ 306 of IPC in Cr.No.153 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein is the mother-in-law of the deceased and that the deceased and the son of the petitioner herein were married and living as husband and wife. Through that marriage, the deceased had two children. After the children were born, the son of the petitioner herein has developed illicit relationship with some other women. Therefore, there were frequent quarrel between the deceased and A1. It is the further case of the prosecution that A2, the mother-in-law abused her daughter-in-law/deceased with filthy language. Therefore, unable to bare the same, she is alleged to have committed suicide.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and she has been falsely implicated in this case and the petitioner has been in jail from 08.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the specific overt act attributed to A2/petitioner is that the petitioner herein had abused the deceased with filthy language. Therefore, unable to bear the same, she is alleged to have committed suicide.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison(Women), Puzhal, Chennai in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate, Madhurandhakam. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioners is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate, Madhurandhakam

(c) The petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(d) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

(e) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

-sd/-  
27/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT,  
MADHURANDHAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, (WOMEN),  
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
MADHURANDHAKAM POLICE STATION,  
CHENGALPATTU DISTRICT.

CC to M/S.B.DEVAKUMAR Advocate on payment of necessary charges

CRL OP.9696/2021

Date :27/05/2021

MK:31/05/2021