

CRL.O.P.Nos.16308 & 16002 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.Nos.16308 & 16002 of 2020

Banu Chandar
S/o. Mahalingam

... Petitioner in Crl.O.P.16308/2020

1. Chandra
W/o. Mahalingam

2.Sujitha Banu
Hajamohideen

... Petitioners in Crl.O.P.16002/2020

Vs.

State Represented by
Inspector of Police,
Peralam Police Station,
Tiruvarur District.
(Crime No.2221/2020)

... Respondent in both Crl.O.Ps.

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COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2221 of 2020 on the file of the respondent.

For Petitioners
in both petitions : Mr.S.Swamidoss Manokaran

For Respondent
in both petitions : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

COMMON ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 21.09.2020 for the offences punishable under **Sections 174 (3) Cr.P.C., altered to one under Section 306 IPC, in Crime No.2221 of 2020** on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant Maheshwari is that her daughter was married to the 3rd accused Banu Chandar on 10.02.2019 and they were living at Chennai with their seven month old son. Thereafter, due to Covid, they gone to the native of her husband. When the victim was in her in-laws house, the first and second accused who are respectively the mother-in-law and sister-in-law of the victim, had quarreled with her and also assaulted her due to which she

sustained injury and that unable to bear the torture, she committed suicide. Hence, the complaint.

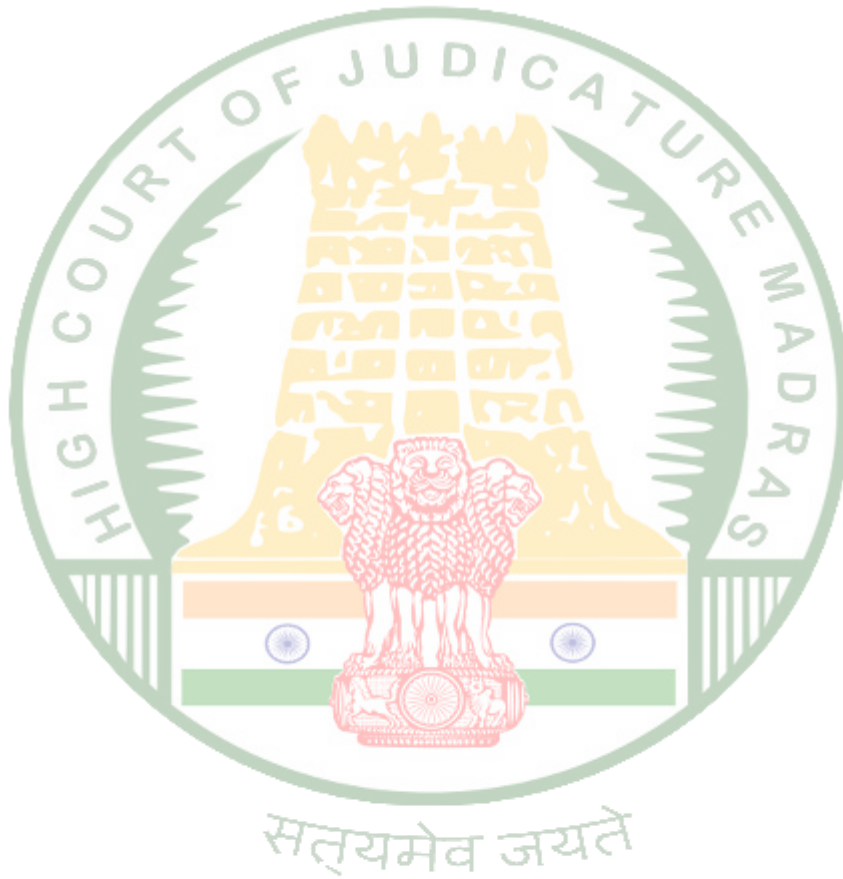
3.The learned counsel appearing for the petitioners would submit that the petitioners in Crl.O.P.No.16002 of 2020 are respectively the mother-in-law and sister-in-law of the deceased and the petitioner in Crl.O.P.No.16308 of 2020 is the husband of the deceased. He would submit that the deceased along with her husband and child was living at Chennai. Thereafter, due to Covid, they gone to native place and since the husband of the victim was jobless due to Covid, she was under depression and due to which, she committed suicide by hanging. Whereas, the case has been projected as if, the petitioners abetted the suicide. He would further submit that the petitioners have been suffering incarceration from 21.09.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the 3rd accused married to the victim on 10.02.2019 and they were living at Chennai and thereafter, due to Covid, the victim along with her husband had gone to

the native of her husband and she were staying at her in-laws house during such time, there was a quarrel and that the mother-in-law and the sister-in-law have assaulted the victim due to which, she sustained 5 sutures in the head. Frustrated by the act of mother-in-law and the sister-in-law, she committed suicide by hanging. He would further submit that as far as the husband is concerned, he did not support the victim. He would submit that the investigation is pending.

5. Taking into consideration of the facts and submissions made by the learned counsels and the allegations against the mother-in-law and sister-in-law of the deceased, this Court is not inclined to grant bail petitioners in Crl.O.P.No.16002 of 2020. **Accordingly, this Criminal Original Petition Crl.O.P.No.16002 of 2020 stands dismissed.**

6. Taking into consideration the allegations made against the husband of the deceased and the period of incarceration suffered by him, **this Court is inclined to grant bail to the petitioner in Crl.O.P.No.16308 of 2020 subject to the following conditions:**



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(a) Accordingly, the petitioner in **Crl.O.P.No.16308 of 2020** is ordered to be released on bail on condition to 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 **learned District Munsif cum Judicial Magistrate, Nannilam.** and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner in Crl.O.P.No.16308 of 2020 on his release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

7. With the above directions, these Criminal Original Petitions are ordered.

15.10.2020

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To.

1. The District Munsif cum Judicial Magistrate,
Nannilam.
2. The Inspector of Police,
Peralam Police Station,
Tiruvarur District.
3. The Jailer,
Sub Jail, Nannilam
Tiruvarur.
5. The Public Prosecutor
High Court of Madras
Chennai 600 104

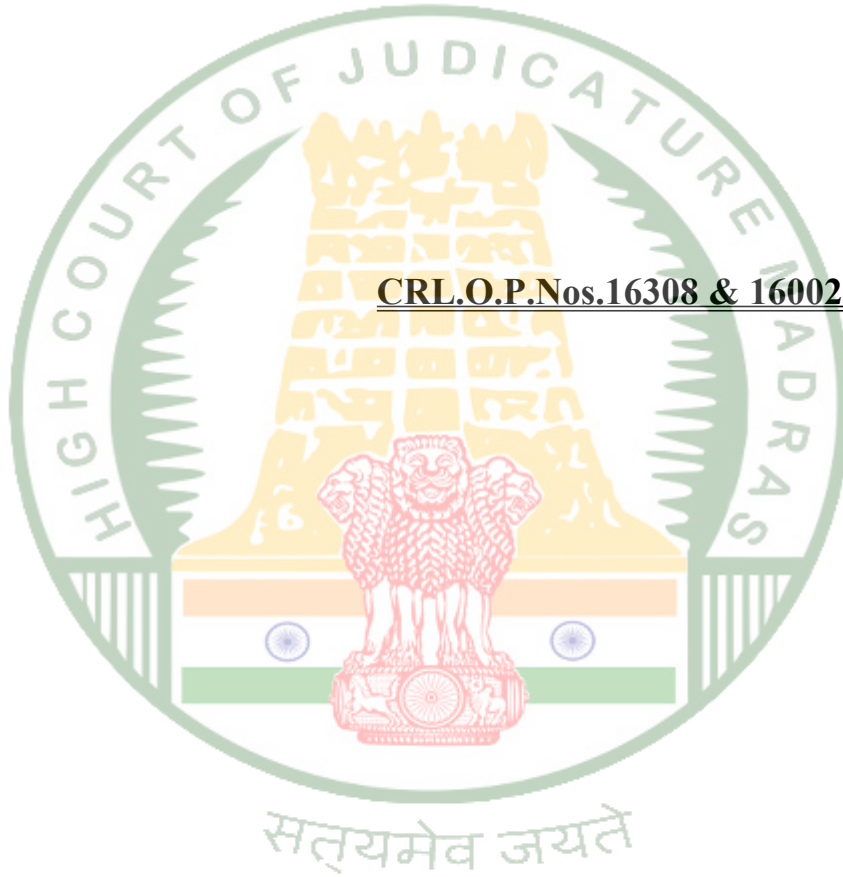


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A.D.JAGADISH CHANDIRA, J.

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