

M.Subhashini vs State Rep by

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Court : Chennai

Decided On : Jan-23-2025

Judge : Honourable Mr Justice a.D.Jagadish Chandira

Appeal No. : CRL OP/1463/2025

Appellant : M.Subhashini

Respondent : State Rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
M.Subhashini Petitioner(s) Vs State Rep By The Inspector of Police, M-2,
Madhavaram Milk Colony Police Station, Madhavaram, Chennai
CR.No.5 of 2025 Respondent(s) For Petitioner(s): Mr.Umashankar
Dhakshnamurthy For Respondent(s): Mr.S.Santhosh, Government
Advocate, (Crl.side).

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 109 of the Bharatiya Nyaya Sanhita, 2023, (B.N.S.), in Crime No.5/2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is

that the petitioner is a wife of the de-facto complainant. The petitioner is Page No.1 of 6 a psychiatric patient and has a habit of Somnambulism. On 04.01.2025, the petitioner allegedly entered into her son's bedroom with dumbbells and attacked her younger son on head, causing injuries. Hence, this case.

3. Learned counsel for the petitioner submits that the petitioner is

undergoing treatment for psychiatric illness from one doctor Mr. Ashokan MD. The incident occurred due to her mental illness. The de- facto complainant/the petitioner's husband, has also taken steps to secure her bail. Therefore, he prays that anticipatory bail be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing

for the respondent police opposed for granting anticipatory bail to the petitioner. He stated that the petitioner, being a psychiatric patient, allegedly attacked her younger son with the dumbbells and caused injuries due to her illness. The victim is still undergoing treatment. Page No.2 of 6

5. In reply, the learned counsel for the petitioner submitted that the de-facto complainant, being the petitioner's husband, is ready to undertake responsibility for his wife and also stand as a surety for her.

6. Learned counsel for the petitioner further submitted that the

petitioner's parents are also willing to undertake responsibility for her care and provide proper treatment. Further, he submitted that the parents of the petitioner reside in Mayiladuthurai District.

7. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police and perused the materials available on record.

8. Taking into consideration of the facts and circumstances of the

case, and considering the fact that the petitioner is a psychiatric patient, and also noting that the de-facto complainant himself is ready to give surety for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, the petitioner is Page No.3 of 6 ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Judicial Magistrate, Thiruvottiyur, Chennai, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled; [b] 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; [c] the petitioner shall stay at their parents home at Madhanam Main Road, Sirkazhi Taluk, Mayiladuthurai District, until further orders; [d] the petitioner shall not tamper with evidence or witness either during the investigation or during the trial; [e] the petitioner shall not abscond either during the investigation or during the trial;

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[f] 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 was 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]; [g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

23-01-2025 klt To The Inspector of Police, M-2, Madhavaram Milk Colony Police Station, Madhavaram, Chennai. CR.No.5 of 2025 Page No.5 of 6

A.D. JAGADISH CHANDIRA, J.

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