

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19559 of 2018

SASI KALA, [PETITIONER / ACCUSED]

Vs

STATE REP BY ITS [RESPONDENT]
THE STATION HOUSE OFFICER,
VELLIMEDUPETTAI POLICE STATION,
VILLUPURAM DISTRICT.
CR. NO. 145 OF 2018.

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : MR. M.PRABHAVATHI, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 306 IPC in Crime No.145 of 2018 on the file of the respondent police, the petitioner/A1 has come forward with this petition seeking anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the elder sister of the deceased Krishnan @ Murugan. The petitioner is the wife of the deceased Krishnan @ Murugan and she had illicit affair with one Rajkumar @ Raji (A2) and it has been questioned by the deceased husband, the petitioner along with other accused are said to have abused the deceased Krishnan @ Murugan and assaulted him stating that he is an impotent. Due to humiliation and frustration, the deceased committed suicide by hanging himself. Hence, the Law Enforcing Agency has registered the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she is having two children and the petitioner did not commit any offence as alleged by the prosecution. Further, he would submit that the other accused have been released on bail by this Court in CrI.O.P.Nos.13468 of 2018 and 16383 of 2018 dated 4.6.2018 and 09.07.2018 respectively.

4.The learned Additional Public Prosecutor would submit that the petitioner had illegal intimacy with the second accused and after knowing the fact, the petitioner's husband committed suicide by hanging himself. Further, he would submit that the investigation is pending.

5.Considering the nature of the offence and taking note of the fact that the petitioner is having two children and it is the duty of the petitioner to develop the children and also the fact that the other accused have already been released on bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.I, Tindivanam, within a period of fifteen days from the date of receipt of a copy of this order on condition that:

(a) 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;

(b)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 report before the respondent police as and when required for interrogation;

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

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

(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 released on bail by the learned Magistrate/trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]**;

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

-sd/-

07/08/2018

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
VELLIMEDUPETTAI POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.NO.14650

CRL OP.19559/2018

Date :07/08/2018

TA-11/08/2018



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