



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Third day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20651 of 2018

ISHWARYA

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
AMMANAICKANUR POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.281/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.ISRAEL, Advocate
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

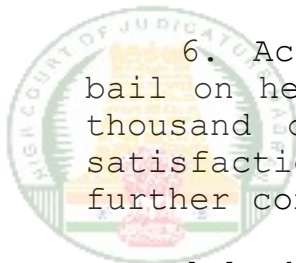
The petitioner was arrested and remanded to judicial custody since 19.10.2018 for the offences punishable under Sections 294(b), 307 and 120(b) IPC, in Crime No.281 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who is the estrange wife of the defacto complainant. It is stated that for the past four years, the petitioner has left the matrimonial home and she is living separately. The petitioner is in relationship with first accused and hence, he has also been arrayed as an accused in this case. On 18.10.2018, the first accused along with the petitioner herein is alleged to have threatened the defacto complainant to give consent for the divorce to the petitioner and attacked the defacto complainant with knife. Hence, she was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) would submit that the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail on her executing 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 Judicial Magistrate, Nilakottai and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

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

sd/-

23/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 3. THE OFFICER INCHARGE, WOMEN PRISON,
NILAKOTTAI.
 4. THE INSPECTOR OF POLICE,
AMMANAICKANUR POLICE STATION, DINDIGUL DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.ISRAEL Advocate SR.No.21934

ORDER

IN

CRL OP(MD) No.20651 of 2018

Date :23/11/2018

MS/VR-MMS/SAR-3/23.11.2018/2P.7C