

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11420 of 2019

Malar

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Sethubhava Chathiram Police Station,
Thanjavur District
Crime No.102 of 2019

... Respondent/Complainant

For Petitioner : M/s.A.Chandrakumar,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 102 of 2019 on the file of the
respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.1
seeking bail for the alleged offence punishable under Sections 452,
294(b), 324, 307 and 506(ii) of IPC r/w Section 109 of IPC in Crime
No.102 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that due to previous enmity, a false case has been foisted
against the petitioner. He further submitted that the injured
persons have already been discharged from the hospital. He further
submitted that the petitioner was arrested and remanded to judicial
custody on 16.07.2019 and from that date onwards she is in custody.
He further submitted that already A2 was arrested and remanded to

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

judicial custody and still he is in custody and therefore, he prayed to grant bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the petitioner developed an illegal intimacy with the second accused and when the same was questioned by the defacto complainant, the second accused and other accused persons attacked the defacto complainant by using deadly weapons and caused injuries to three persons. Hence, he strongly opposed this petition. However, he fairly conceded that the injured persons have already been discharged from the hospital.

5.Taking into consideration of the fact that the petitioner is in custody from 16.07.2019 and also the fact that already A2 was arrested and remanded to judicial custody and still he is in custody and also the fact that the injured persons have already been discharged from the hospital, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] 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, Pattukottai.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of one week and thereafter, as and when required for the interrogation.

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

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

[e] 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].

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

sd/-
16/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
SETHUBHAVA CHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL WOMEN PRISON, TRICHIRAPALLI.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

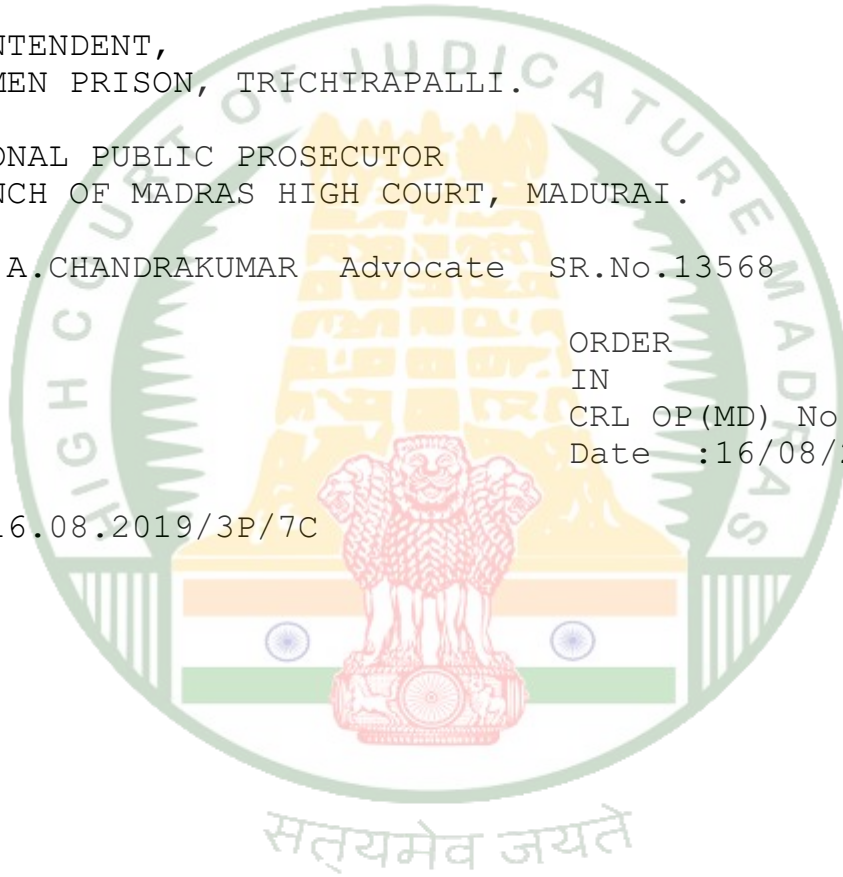
+1. CC to Mr.A.CHANDRAKUMAR Advocate SR.No.13568

ORDER
IN

CRL OP(MD) No.11420 of 2019
Date :16/08/2019

vsg

TK/VR/SAR.3/16.08.2019/3P/7C



WEB COPY