

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.7216 & 7217 of 2020

Shalini,
W/o Johni @ Paul Rajan
No.111-C, New Street,
Thottapalayam,
Vellore District

... Petitioner in both Crl.O.P.s

-Vs-

The State rep. by
The Sub-Inspector of Police,
Viruthambut Police Station,
Vellore District.

... Respondent in both Crl.O.P.s

Common Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioner on bail P.R.C No 8 of 2020 on the file of Hon'ble Judicial Magistrate –III, Vellore in Crime No. 375 of 2018 and in P.R.C No 9 of 2020 in connection to the prosecution case in Crime No. 378 of 2018 and on the file of the respondent Police.

For Petitioner : Mr.S.Rajnikanth
in both Crl.O.P.s

For Respondent : Mr.M.Mohamed Riyaz,
in both Crl.O.P.s Additional Public Prosecutor

COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 23-03-2020 pursuant to the non bailable warrant issued by the Judicial Magistrate –III, Vellore in P.R.C No 8 of 2020 in connection to the prosecution case in Crime No. 375 of 2018 and in P.R.C No 9 of 2020 in connection to the prosecution case in Crime No. 378 of 2018 for offences under section 435, 109 I.P.C r/w section 4 of TNPPDL Act, seeks bail.

2. The case of the prosecution is that the respondent police in respect of Crime Nos.375 & 378 of 2018 filed charge sheet, and due to non appearance of the petitioner in PRC.Nos.8 of 2020 and 9 of 2020, the Judicial Magistrate-III, Vellore issued non bailable warrant on 23.03.2020 against the petitioner as such the petitioner was arrested and remanded to judicial custody on the same day.

3. The learned counsel for the petitioner submitted that the petitioner did not aware of the registration of the above cases against her and also about filing of charge sheet against her. The petitioner was arrested on non-bailable warrant in PRC.Nos.8 of 2020 and 9 of 2020. After production

before the Judicial Magistrate concerned, she came to understand about the pending cases. He further submitted that her husband only involved in several cases, and since he is absconding, the respondent Police falsely implicated her as one of the accused in both of the cases. Therefore, she is nothing to do with the offences committed by her husband. Hence, he sought for bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor submitted that there are totally five accused, in which the petitioner is arrayed as A5. Admittedly, her husband is arrayed as A1, who is having 35 previous cases, that too similar in nature. After committing the offence, only on the instruction of the first accused, the petitioner and others went to the defacto complainant house and also set fire to three bikes and one car in both the cases belong to the defacto complainant, and daily they committed offence. He further submitted that if the petitioner is released on bail, there is possibility of hampering the witnesses and tampering with the evidences. Hence, he vehemently opposed to grant bail to the petitioner.

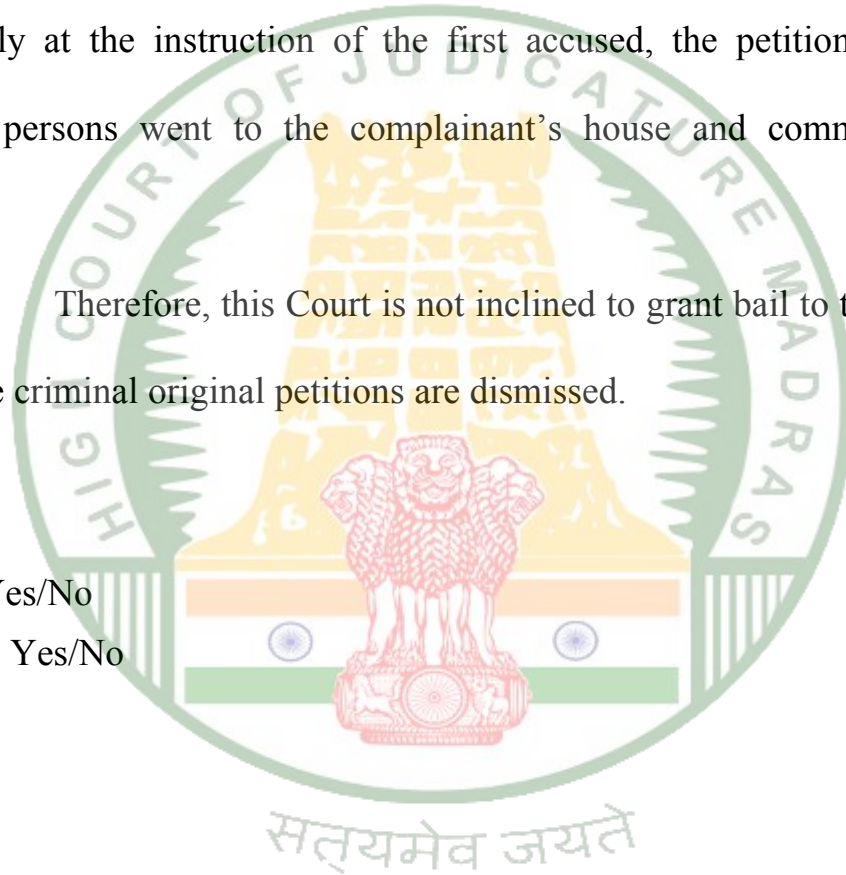
5. It is seen from the submissions of the learned Additional Public Prosecutor that the petitioner is arrayed as A5 in both the cases and she along

with the other accused persons went to the complainant house and set fire to three bikes and one car after committing the offence. Therefore, the petitioner committed very serious offence. Further, her husband is also still absconding and his whereabouts are not known by the petitioner. It is unbelievable one, since only at the instruction of the first accused, the petitioner and other accused persons went to the complainant's house and committed further offences.

6. Therefore, this Court is not inclined to grant bail to the petitioner, and these criminal original petitions are dismissed.

05.05.2020

Index : Yes/No
Internet : Yes/No
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To

1. The Principal Session Judge,
Vellore.

2. The Sub-Inspector of Police,
Viruthambut Police Station,
Vellore District.

3. The Public Prosecutor,
High Court of Madras.

4. The Superintendent,
Central Women Prison,
Vellore.

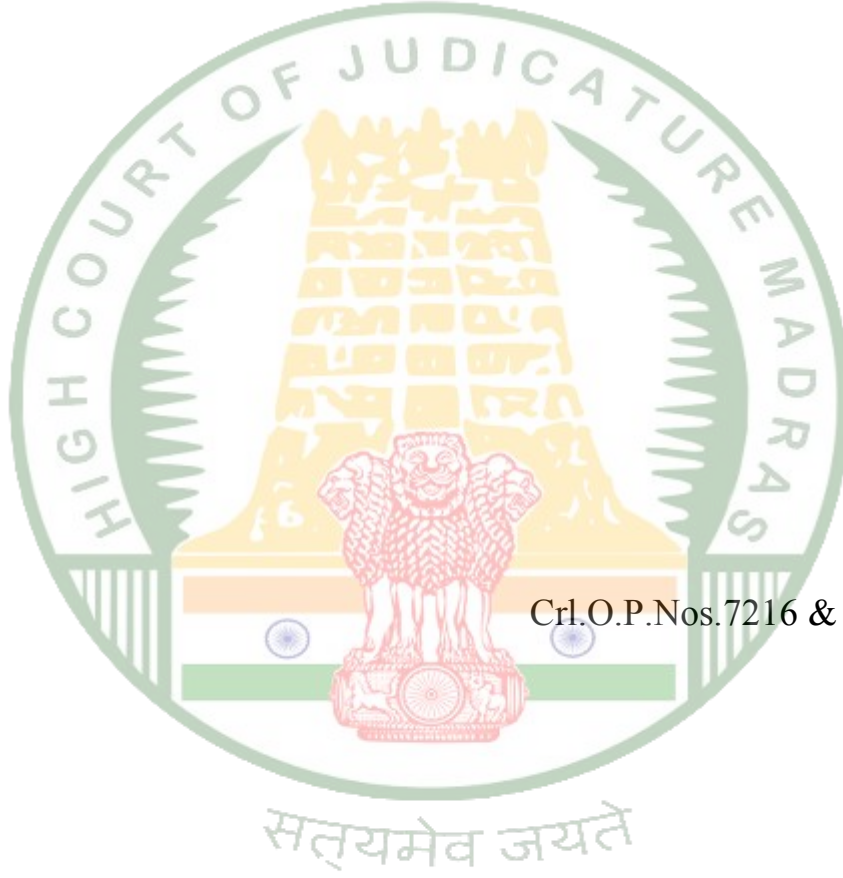


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