

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No. 7627 of 2020

Selvi @ Dhanaselvi

... Petitioner

Vs.

State Rep. by
Station House Officer,
Karuveppilankurichi Police Station,
Cuddalore District.
Cr. No.97 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.97 of 2020 on the file of the respondent police.

For Petitioner : Mr. K.Balu

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 15.03.2020 for the offence punishable under Sections 294(b), 323 and 302 IPC in Crime No.97 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Three years ago, there was a dispute between the defacto complainant family and the petitioner, thereafter, there was no relationship between the families. On 14.03.2020, again dispute between the petitioner and the defacto complainant family arouse. At that time, the defacto complainant's sister called him over phone and informed that the petitioner and her husband attacked their father and defacto complainant's father came home and became unconscious and thereafter the defacto complainant took his father hospital. The doctors informed that his father is dead. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and she is no way connected with the case. Since there was animosity between both families, the defacto complainant preferred a false complaint against the petitioner and she is having two children. Further he submits that the petitioner is in judicial custody from 15.03.2020 onwards and hence, he seeks bail for the

4. The learned Additional Public Prosecutor would submit that there was a previous enmity between the petitioner and the defacto complainant. On 14.03.2020, there was a wordy quarrel between them and the petitioner and her husband attacked the complainant father and his father became unconscious. Thereafter, he was declared as brought dead by the Doctors in the Hospital. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 15.03.2020 and the petitioner being a lady having two children, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall execute her own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police as and when required for interrogation.

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(g) 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].

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

18/05/2020

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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS COURT,
CUDDALORE

2 THE JUDICIAL MAGISTRATE,
NO.II, VIRUDHACHALAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
KARUVEPPILANKURICHI POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to M/S.K.BALU Advocate on payment of necessary charges

CRL OP.7627/2020

Date :18/05/2020

RVR 24/08/2020

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