



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2020

CORAM:

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9236 of 2020

Gandhimathi

... Petitioner

Vs.

The State Rep. by The Inspector of Police,
Vettavalam Police Station,
Vettavalam,
Tiruvannamalai District.

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.1036 of 2020 on the file of the respondent.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 23.05.2020 for the offences punishable under **Sections 147, 148, 94(b), 323, 324 & 307 I.P.C. C in Crime No.1036 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to family dispute regarding ancestral property, the petitioner/A4 along with the other accused attacked the mother of the defacto complainant and caused injuries.

3. The learned counsel for the petitioner submitted that there is a case in counter in Crime No.1035 of 2020 for the offence under Sections 294(b), 324 & 307 I.P.C. The learned counsel further submits that the petitioner is an innocent person and she has been falsely implicated in this case. It is further submitted that there is no previous case against the petitioner. Hence, he prays for grant of bail.



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4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused persons are indulging in constant dispute regarding ancestral property. Three victims have sustained injuries and there is case in counter. Hence, he vehemently opposed for the grant of bail.

5. In view of the fact that there is a case in counter and that the petitioner is languishing for the period of incarceration from 23.05.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined on her release:

(b) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the Judicial Magistrate II, Thiruvannamalai, within a period of two weeks i.e. after lifting the lock down in Tiruvannamalai District, failing which the bail granted by this Court shall stand dismissed automatically;

(c) The petitioner shall not come out from her house.

(d) 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;

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) 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.

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-sd/-
23/06/2020

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

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VETTAVALAM POLICE STATION,
VETTAVALM,
TIRUVANNAMALAI DISTRICT.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.9236/2020

Date :23/06/2020

MK:13/08/2020