

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2020

CORAM:

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

Crl.O.P.No.9238 of 2020

Rajammal
Petitioner

...

Vs.

State Rep. by
Inspector of Police
Jamunamathur Police Station,
Thiruvannamalai 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.150 of 2020 on the file of the respondent police.

For Petitioner

:

Mr.S.Thirugnanam

For Respondent : Mr.K.Prabakar

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.04.2020 for the offences punishable under **Sections 174 Cr.P.C @ 201, 302 IPC in Crime No.150 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the complaint given by the Village Administrative Officer (VAO), which was registered under Sections 174 Cr.P.C and later altered under Sections 201, 302 IPC. As per the complainant, one Kumar was found lying dead in a suspicious manner. Later during interrogation, it was found that the petitioner and her minor son due to the harassment by the deceased/husband of the petitioner had committed the murder by strangulation.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner has been implicated only based on the alleged confession, stated to have been given to the Village Administrative Officer. Further, he would submit that the petitioner is in judicial custody from 14.04.2020 and major part of the investigation is over.

4. The learned Additional Public Prosecutor would submit that the deceased had continuously harassed and tortured the petitioner, who is his wife. Unable to bear the torture, the petitioner along with her son had committed the murder by strangulation. The son of the petitioner who is a minor is also arrayed as an accused.

5. Taking into consideration the facts and circumstances of the case and the period of incarceration, 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 his 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 and thereafter on his release;

(b) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the Judicial Magistrate, Vaniyambadi within a period of two weeks from the date of lifting of lockdown, failing which the bail granted by this Court shall stand dismissed automatically;

(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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

23.06.2020

Index : Yes/No

Internet : Yes/No

ssb

To

1. The Judicial Magistrate, Vaniyambadi.

2. Inspector of Police

Jamunamathur Police Station,

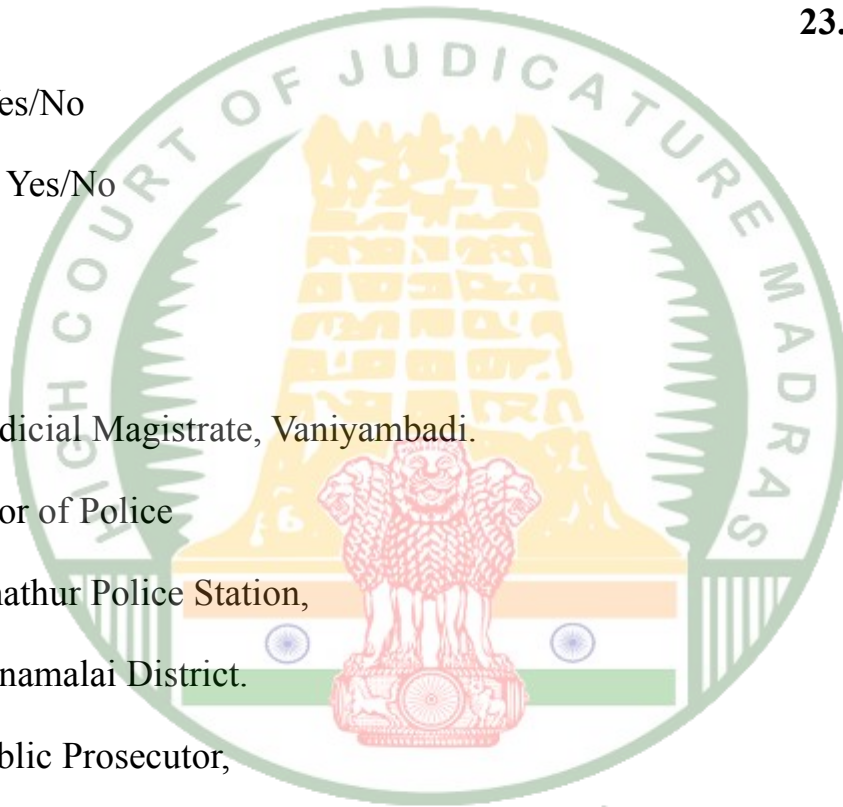
Thiruvannamalai District.

3. The Public Prosecutor,

High Court of Madras.

4. The Superintendent of Central Prison

Vellore.



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Crl.O.P.No.9238 of 2020

A.D.JAGADISH CHANDIRA,J.

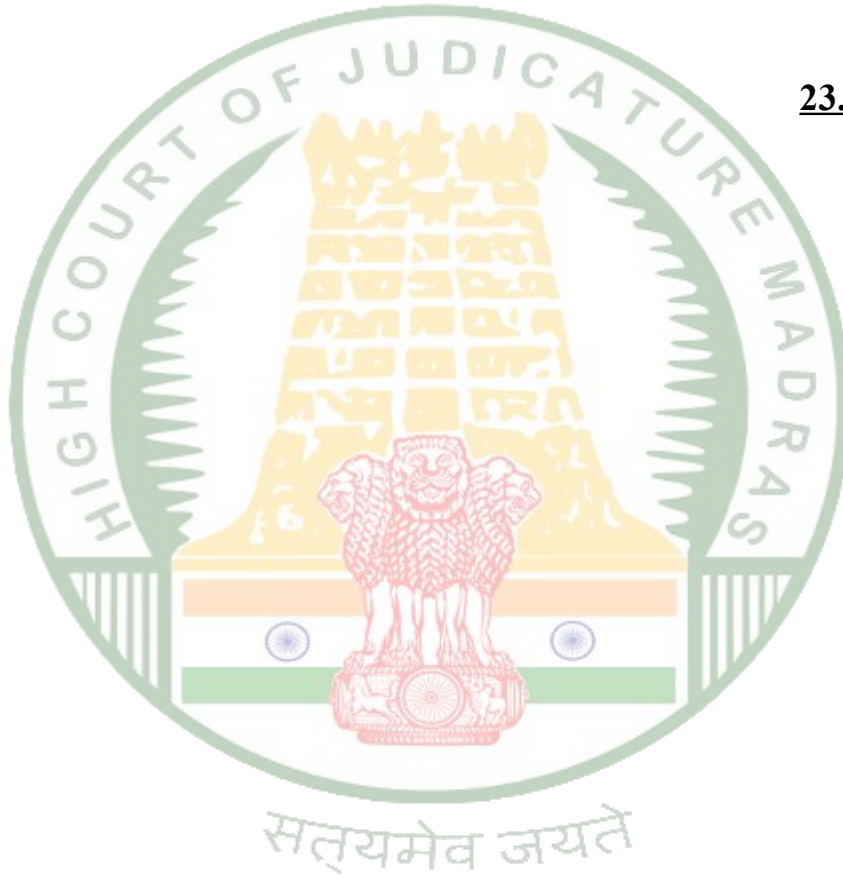
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Crl.O.P.No.9238 of 2020

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