

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2020

CORAM :

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

Crl.O.P.No.10522 of 2020

Dhanalakshmi

... Petitioner

Vs.

State rep. by

The Sub-Inspector of Police

Perambalur Police Station

Perambalur District

(Crime No.1598 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1598 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.Jim Raj Milton

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.06.2020 for the offence punishable under Sections 147, 148, 294(b), 323, 234 and 302 IPC, in Crime No.1598 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 01.06.2020 at about 8.30 p.m., the accused persons joined together and went to the house of the defacto complainant and dragged his son outside the house and assaulted him with hands and knives indiscriminately, caused stab injury and caused the death of his son.

3.The learned counsel appearing for the petitioner would submit that due to previous enmity between the family members of the petitioner and the defacto complainant with regard to the defacto complainant's son continuously harassing the daughter of the petitioner, there was a quarrel and thereby the defacto complainant has falsely implicated the petitioner's family in this case.

4.The learned Government Advocate (Criminal Side) would submit that the deceased had proposed love to the daughter of the petitioner, due to which, there was a dispute on 01.06.2020. The petitioner along with other accused have gone to the house of the defacto complainant, pulled the defacto complainant's son outside the house, assaulted him with hands and knives. The specific overt act attributed to the petitioner is that she assaulted the defacto complainant's son with hands.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and the petitioner is in custody from 02.06.2020, 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 his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.I, Perambalur, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(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.

-sd/-
14/07/2020

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 JUDICIAL MAGISTRATE,
NO.I, PERAMBALUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S. S.JIM RAJ MILTON Advocate on payment of necessary charges

WEB COPY

CRL OP.10522/2020

Date :14/07/2020

cs 17/08/2020