

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

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

Crl.O.P.No.10928 of 2020

Pavithra

... Petitioner

Vs.

State Rep. by Inspector of Police
Ethapur Police Station
Salem District
(Crime No.510 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.510 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.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 23.06.2020 for the offence punishable under Section 302 IPC, in Crime No.510 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Parimala is that her husband was found dead near the bridge with injuries on the wrist, head and also on the neck. The defacto complainant suspected that her husband has been murdered by A1 / Ranjith Kumar, since, her husband had illicit intimacy with his wife, the petitioner herein. During the course of investigation, the fact came to light that the deceased had developed illicit intimacy with the wife of A1, due to which, the petitioner along with her husband and A2 friend of A1 had committed the murder of the deceased.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the wife of A1 and that even as per the complaint, the defacto complainant had suspected that the deceased was having illicit intimacy with the wife of A1 and the petitioner had no reason to commit the murder of the deceased. The petitioner was arrested on 23.06.2020. He would further submit that the allegation against the petitioner is that she had helped the other accused to cause disappearance of evidence of the offence and that she has not committed the murder.

4.The learned Government Advocate (Crl. Side) would submit that the deceased had developed illicit intimacy with the wife of A1. Enraged by that the husband of the petitioner and his friend made the petitioner call the deceased to their house and they committed the murder of the deceased and they have thrown the body under the bridge. He would further submit that the petitioner called the deceased to her house on the instructions of A1, and when the deceased came to the house, A1 along with his friend had committed the murder of the deceased and Investigation is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and the allegations against the petitioner and the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following condition:

(a)Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 and thereafter on her release;

(b)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, Attur, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, 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 Aadhaar 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 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.

-sd/-
22/07/2020

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,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ETHAPUR POLICE STATION,
SALEM DISTRICT.

CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary charges

CRL OP.10928/2020

Date :22/07/2020

MK:20/08/2020