

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2020

CORAM :

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

Crl.O.P.No.13641 of 2020

Geetha

... Petitioner

Vs.

State By

Inspector of Police

Kanchi Taluk Police Station

Kanchipuram District.

Crime No.2126 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.2126 of 2020.

For Petitioner : Mr.G.Punniakoti

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 04.08.2020 for the offence punishable under Sections 294(b), 307 and 506(ii) IPC and subsequently altered to offences under Section 294(b), 307 and 506(ii) and 302 IPC, in Crime No.2126 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner Geetha is their neighbour, She had illicit intimacy with one Muthupandi / A1. A1 used to visit the house of the petitioner in the absence of her husband. On 04.08.2020, when the same was questioned by the defacto complainant and his father, A1 got angry and at the instigation of the petitioner, committed the murder of the father of the defacto complainant and has also caused injury to the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that even as per the F.I.R. the allegation against this petitioner is that she had abetted the main accused to commit the murder. He would further submit that the petitioner is having two children and she is in judicial custody from 05.08.2020. He would further submit that this is the second bail application and the earlier bail petition was dismissed by this Court vide order dated 21.08.2020 in CrI.O.P.No.12786 of 2020.

4.The learned Government Advocate (CrI. Side) would submit that the petitioner is the neighbour of the defacto complainant and she had illicit intimacy with A1 / Muthupandi, who visited her house whenever her husband was not there. The defacto complainant and his father being the neighbour of the petitioner, questioned the same, due to which, he got enraged and at the instigation of the petitioner, he committed the murder of the father of the defacto complainant and also assaulted the defacto complainant with knife. He would further submit that the petitioner was arrested on 05.08.2020.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the fact that the petitioner is in judicial custody for more than 35 days and her husband had also deserted her and she has two children to look after, and considering the period of incarceration suffered by the petitioner from 04.08.2020, 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 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;

(b)the petitioner shall within a period of two weeks from the date of commencement of the Court's normal functioning, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, for a likesum to the satisfaction of the learned Judicial Magistrate No.1, Kanchipuram, 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 on her release from prison, shall stay at Wallajabad and report before the Wallajabad Town Police Station everyday at 10.30 a.m. until further orders. It is made clear that the petitioner shall not visit the jurisdictional limits of the respondent police.

(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/-

08/09/2020

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, KANCHIPURAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHIPURAM DISTRICT.

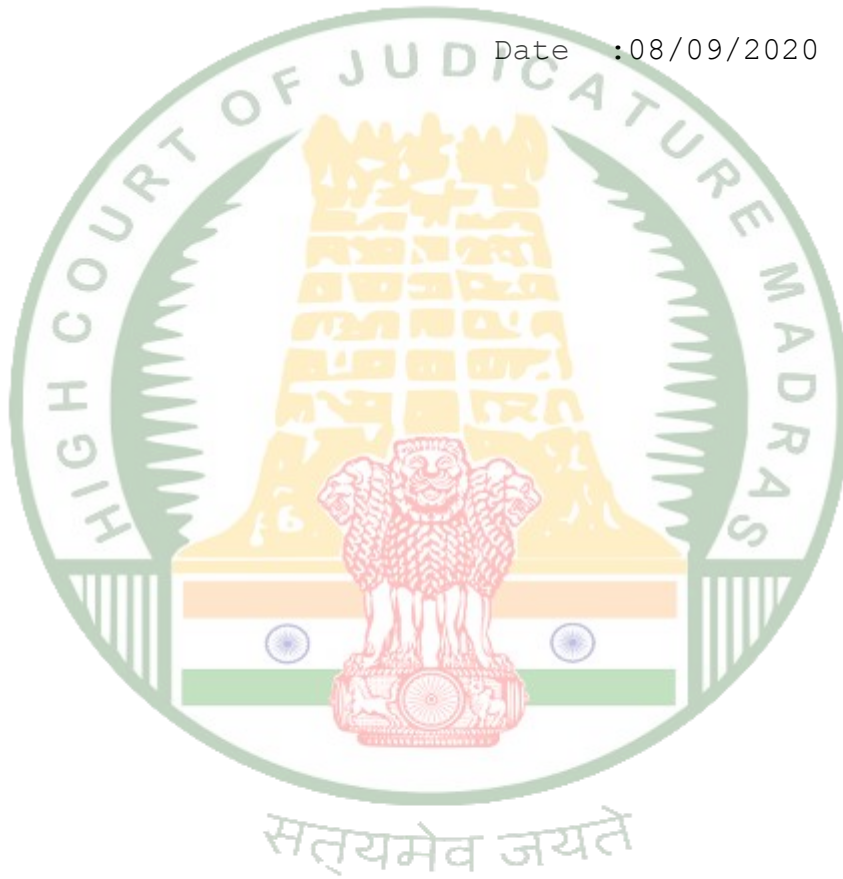
5 THE OFFICER INCHARGE
WALLAJABAD TOWN POLICE STATION,
WALLAJABAD.

CC to M/S. G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OP.13641/2020

Date :08/09/2020

cs 11/09/2020



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