

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2020

CORAM :

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

Crl.O.P.No.14148 of 2020

Anjali Devi

... Petitioner

Vs.

State by; Inspector of Police
S-8, Adambakkam Police Station
Adambakkam
Chennai 600 088
(Crime No.1108 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.1108 of 2020, pending on the file of the respondent.

For Petitioner : Mr.A.P.Sathyamurthy

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 12.07.2020 for the offences punishable under Section 147, 148, 341, 294(b), 307, 302 and 120(B) IPC, in Crime No.1108 of 2020, seeks bail.

2. The case of the prosecution is that there was a dispute between the family members of the defacto complainant and the accused due to disposal of sewage and waste and there was a fight on 10.07.2020. The further allegation is that on 12.07.2020, the members belonging to the family of the petitioner entered into the house of the defacto complainant and assaulted his father and other family members, due to which, the father of the defacto complainant died and other family members sustained injuries.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in

this case.He would further submit that the entire family has been implicated in this case.He would further submit that even as per the allegation in F.I.R,the overt act attributed is that at the instigation of the petitioner,the other accused had committed murder.He would further submit that the petitioner is in custody from 12.07.2020.He would further submit that this is the second bail petition, his earlier bail application was dismissed by this Court vide order dated 25.08.2020 in Crl.O.P.No.12915 of 2020.

4. The learned Government Advocate (Criminal Side) would submit that due to quarrel between the neighbours, the petitioner instigated her son and relatives to commit the murder of the deceased. He would further submit that the 1st accused, the son of the petitioner has got two previous cases of murder and as far as this petitioner is concerned, there is no previous case against him and the investigation is pending.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the fact that the allegation against this petitioner is that she had only instigated her son and she has no previous cases, 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 and thereafter on her release;

(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.I, Alandur, 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 Kancheepuram and report before the Vishnu Kanchi B2 Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into 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/-

11/09/2020

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.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE NO.I,
ALANDUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, PUZHAL,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
VISHNU KANCHI B2 POLICE STATION,
KANCHEEPURAM

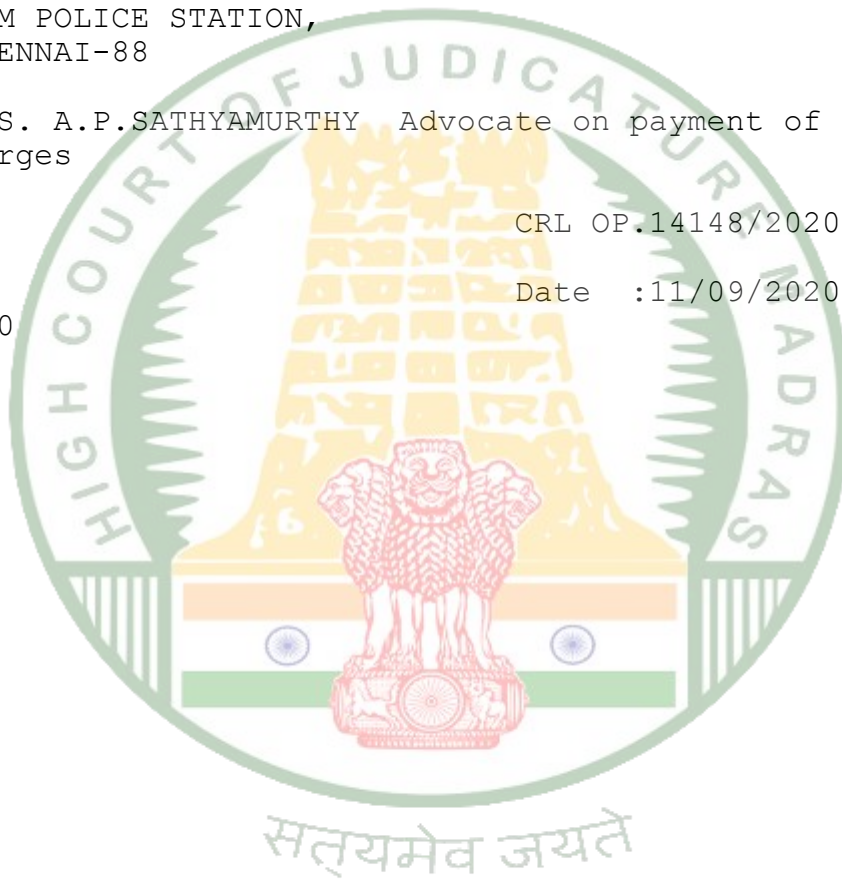
6 THE INSPECTOR OF POLICE,
S-8, ADAMBAKKAM POLICE STATION,
ADAMBAKKAM, CHENNAI-88

CC to M/S. A.P.SATHYAMURTHY Advocate on payment of
necessary charges

CRL OP.14148/2020

Date :11/09/2020

GKS:16/09/2020



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