

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.14158 of 2020

Reena Buila Mary

... Petitioner

Vs.

State rep. by

The Inspector of Police

S-8, Adambakkam Police Station

Chennai

(Crime No.1117 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.1117 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.V.C.Vinoth Kumar

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 20.07.2020 for the offences punishable under Section 302, 120(B) IPC, in Crime No.1117 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant one Ilayaraja is that the accused in order to grab the property, committed the murder of the defacto complainant's brother by hitting him with the grinding stone.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case since A1 is her brother. He would further submit that even as per the contention of the F.I.R., the only overt act against this petitioner is that she has instigated the 1st accused to convince the deceased to get himself married to his sister and nothing more than that has been attributed against the petitioner. He would further submit that the death of the deceased would not fetch her any property and the motive itself is false. He would further submit that the incident had happened while the 1st accused and the deceased were consuming alcohol and the petitioner has been unnecessarily dragged into this issue.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioner and the deceased are relatives and at the instigation of the petitioner, the 1st accused hit the deceased with grinding stone on his head while they were consuming alcohol. He would further submit that 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 petitioner has only instigated the 1st accused, 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-II, Alandur, Chennai, 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 Chengalpet and report before the Chengalpet Town Police Station everyday at 10.30 a.m. until further orders. It is made clear that the petitioner shall not enter 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.

TO

1 THE JUDICIAL MAGISTRATE-II,
ALANDUR, CHENNAI

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
CHENGALPET TOWN POLICE STATION, CHENGALPET

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

CC to M/S. V.C. VINOTH KUMAR Advocate on payment of
necessary charges

CRL OP.14158/2020

Date :11/09/2020

GKS:16/09/2020