

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15407 of 2020

Surudhi

... Petitioner/7th Accused

Vs.

The State represented by,
The Inspector of Police,
S-8, Adambakkam Police Station,
Adambakka, Chennai - 600 088.

(Crime No.1108 of 2020) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1108 of 2020, on the file of the respondent police.

For Petitioner : Mr.A.P.Sathymurthy

For Respondent : Mrs.S.Thankira

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 21.08.2020 for the offences punishable under Sections 147, 148, 341, 294(b), 307, 324, 302 and 120(B) of IPC in Crime No. 1108 of 2020, on the file of the respondent police, 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. Further, allegation is that on 12.07.2020, the family members of the petitioner along with their friends entered into the house of the defacto complainant and assaulted the father of the defacto complainant, due to which, the father of the defacto complainant died and the other family members sustained injuries.

3 The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. He would submit that there is no material to show that the petitioner has instigated the above crime. He would submit that the entire family members have been roped in this case and the main accused in this case one Vicky, Arul and PaulKumar have been detained under Act 14 and the major part of the investigation is over. He would submit that one Anjali Devi, who is also similarly placed has been granted bail by this Court vide order dated 11.09.2020, in CrI.O.P.No.14148 of 2020 with a condition to stay at Kancheepuram and report before the Vishnu Kanchi B2 Police Station every day at 10.30 a.m., until further orders. He would further submit that the petitioner is prepared to abide by any stringent conditions that to be imposed on them by this Court. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (CrI.Side) appearing for the respondent would submit that due to previous enmity, the petitioner along with other accused committed the murder of the father of the defacto complainant and also caused injury to the defacto complainant and his family members. He would submit that the investigation is pending and that three accused have been detained under Act 14 of 1982.

5 Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 21.08.2020 and the co-accused has been enlarged on bail, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Alandur and on further conditions that:

(b) 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;

(c) the petitioner shall stay at Kancheepuram and report before the Vishnu Kanchi B2 Police Station every day at 10.30 a.m., for a period of two weeks and thereafter report before the respondent police every day at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

6 With the above directions, this Criminal Original Petition is ordered.

-sd/-
29/09/2020

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,
ALANDUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

4 THE INSPECTOR OF POLICE,
S-8, ADAMBAKKAM POLICE STATION,
ADAMBAKKAM, CHENNAI - 600 088.

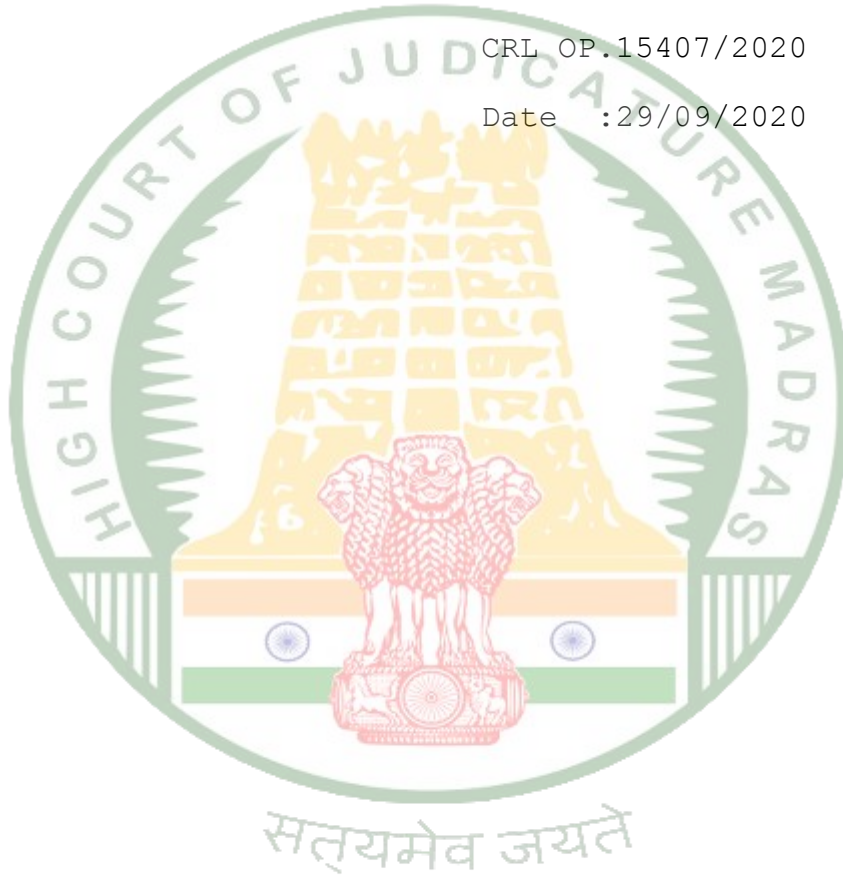
5 THE OFFICER INCHARGE,
THE VISHNU KANCHI B2 POLICE STATION,
KANCHEEPURAM.

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

CRL OP.15407/2020

Date :29/09/2020

MK:01/10/2020



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