

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2020

CORAM :

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

CRL.O.P.No.16451 of 2020

DEEPA

... Petitioner

Vs.

State rep.by

.... Respondent

The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.1152 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1152 of 2020 on the file of the Inspector of the Inspector of Police, Namakkal Police Station, Namakkal District.

For Petitioner : Mr.G.Anbuchezeian

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.08.2020 for the offences punishable under Section 147, 148, 294(b), 341 and 307 of IPC, in Crime No.1152 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 14.08.2020 at about 11.45 a.m. when the defacto complainant and his friend went to Angayee temple to offer garland for Sivan temple, at that time, A1 in this case who was sitting in the car, on seeing the defacto complainant and his friend, abused them in filthy language and instructed the other accused to attack them, after which, the other accused have started to attack the defacto complainant and his friend using Aruval and sticks and caused bleeding injury to them, and they have also threatened them with dire consequences and flew away from the scene of occurrence.

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 she happened to be the wife of the 1st accused. He would further submit that the petitioner's name does not find place in the F.I.R. and she has been implicated in this case based on the confession recorded from the other accused as if she had informed the location and induced the other accused to assault the victims. He would further submit that the petitioner has no previous cases against her. He would further submit that the main accused in this case has been detained under Act 14. The petitioner is in custody from 19.08.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the wife of the main accused, who is a notorious element. He would further submit that due to previous enmity, the 1st accused along with his associates assaulted the defacto complainant and his friend, due to which, they sustained grievous injury. The accused have inflicted cut injuries indiscriminately on the victim and that the victim is still taking treatment as in patient in Vinayaga Mission Hospital, Salem.

5.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner has been implicated in this case only based on the confession recorded from the co-accused, whereas, the petitioner was not at all present at the scene of occurrence and she has no previous cases against her.

6.Heard the learned Counsel on either side. Perused the materials placed on record.

7.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the period of incarceration suffered by the petitioner from 19.08.2020 and that she has no previous cases against her and the main accused has been detained under Act 14, 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 **Judicial Magistrate No-I, Namakkal**, 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 on his release from prison shall stay at Chidambaram and report before the Chidambaram Town Police Station everyday at 10.30 a.m. until further orders. 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;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

06/11/2020

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,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
(SPECIAL PRISON FOR WOMEN)
SALEM.

6 THE OFFICER INCHARGE,
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM.

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

CRL OP.16451/2020

Date :06/11/2020

TA-09/11/2020



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