

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17858 of 2020

Rajamani

... Petitioner

Vs.

State by,

The Inspector of Police,
Sulur Police Station,
Coimbatore District.
(Crime No.1687 / 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.1687 of 2020 on the file of the respondent.

For Petitioner : Mr.C.S.Saravanan

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 05.09.2020 for the offence punishable under Section 307 IPC @ Section 120-B, 302 of IPC, in Crime No.1687 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant-Sathish Kumar is that his father used to go for morning walk. On 31.08.2020, as usual he had gone for his morning walk at Avinashi Road, Chinniyampalayam and at that time, someone assaulted his father by using cricket bat and it was informed to the defacto complainant by his father's friend. Thereby the defacto complainant taken his father and admitted in hospital and registered the complaint. Originally the case was registered under Section 307 IPC and later the defacto complainant's father died and the case was altered to one under Section 302 IPC. During the course of investigation it come to the light that the petitioner herein who is mother of the defacto complainant and wife of the victim had instigated A1 her tenant to commit the murder of her husband.

3.The learned counsel appearing for the petitioner would submit that she is innocent and she has been falsely implicated in this case. Based on the confession recorded from A1, who is the tenant of the deceased, the petitioner herein was arrested. He would submit that the tenant was having a dispute with the family members of the

deceased and thereby he has given a confession falsely implicating the petitioner herein to create a rift in the family. He would further submit that the petitioner was arrested on 05.09.2020. He would also submit that the petitioner is suffering from throat cancer and she has to undergo surgery & chemotherapy.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that this is preplanned murder. The petitioner herein is the wife of the deceased. The petitioner got married with the deceased 30 years back and that though they were living in the same house, there were having a strained relationship and that the petitioner had conspired with the 1st accused / her tenant to kill her husband and assured to pay Rs.2 lakhs to him. Thereby on the instigation of the petitioner herein A1 committed the murder of the deceased by hitting the victim with cricket bat. A1 was arrested based on the CCTV footage and he had confessed about the involvement of the petitioner in committing the murder. He would further submit that investigation is pending and sought for dismissal of this petition.

5.Heard the learned counsel on either side.

6.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, 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, Sulur 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 Chennai and report before the Kotturpuram Police Station everyday at 10.30 a.m. until further orders.

(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/-

10/11/2020

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,
SULUR

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE (WOMEN WING)

6 THE OFFICER INCHARGE
KOTTURPURAM POLICE STATION,
KOTTURPURAM, CHENNAI

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.17858/2020

Date :10/11/2020

RVR 11/11/2020