



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 11/06/2020

WEB COPY

PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

CRL OP(MD) . No.5863 of 2020

Kaladevi

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
PC Patty Police Station,  
Theni District.  
Crime.No.352 of 2018

... Respondent/Complainant

For Petitioner : M/s.I.ROBERT CHANDRAKUMAR,  
Advocate.

For Respondent : Mr.A.Robinson,  
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

**PRAYER :-**

For Bail in Crime. No. 352 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

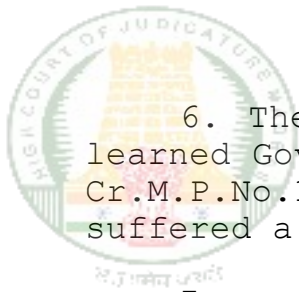
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is the sole accused. She was arrested and remanded to Judicial Custody on 08.03.2020 for the offences punishable under sections 294(b) and 302 of I.P.C., in Crime No.352 of 2018 on the file of the respondent police. She seeks bail.

3. The petitioner is facing trial in S.C.No.24 of 2020 on the file of the District and Sessions Judge(FAC), Theni.

4. The prosecution case is that the petitioner was absconding and that she was secured only by issuing Nonailable Warrant.

5. The learned Government Advocate(Crl. Side) pointed out that the petitioner had parallely moved the Sessions Court.



6. The petitioner's counsel refuted the statement made by the learned Government Advocate(Crl. Side). However it is now seen that Cr.M.P.No.1777 of 2020 was moved before the Sessions Court and it suffered a dismissal on 10.06.2020.

7. In normal circumstances, I would have taken a serious view of this conduct on the part of the petitioner. But then, I recollect that the petitioner was detained under the Tamil Nadu Act 14 of 1982 because of some enmity with a local policeman. The petitioner is a woman and I had granted bail to the petitioner herein. The petitioner has been in custody for more than three months. Her continued incarceration is not warranted.

8. In view of the above, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall be released on own bond by the Sessions Judge without insisting on sureties. There is no need for the petitioner to furnish any surety.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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].

sd/-  
11/06/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE DISTRICT AND SESSIONS JUDGE (FAC), THENI.
2. THE INSPECTOR OF POLICE,  
PC PATTY POLICE STATION, THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.5863 of 2020

Date : 11/06/2020

MS/PN/SAR-3/11.06.2020/3P.5C