



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD)No.9139 of 2020

Gayathri

... Petitioner/Accused-2

Vs

State of Tamil Nadu rep.by,
The Inspector of Police,
Vadasery Police Station,
Kanniyakumari District
(Crime No. 489 of 2020).

... Respondent/Complainant

T.Ganesh

... Petitioner/Intervenor/Injured Person
in CrI.MP(MD)No.4365/2020 in
CrI.OP (MD)No.9139/2020

For Petitioner : Mr.G.V.Vairam Santhosh,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (CrI.Side)

For Intervener : Mr.L.George Paul Anto
Advocate

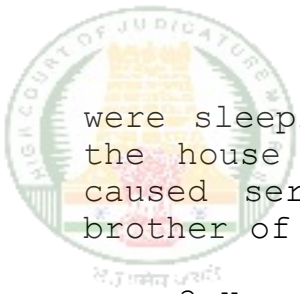
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No. 489 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial
custody on 13.08.2020 for the alleged offence under Section 307 of
IPC, in Crime No.489 of 2020 on the file of the respondent Police,
seeks bail.

2.The case of the prosecution is that the petitioner herein is
wife of the defacto complainant/ injured. The petitioner had
illegal intimacy with A1 and the same was questioned by the defacto
complainant. Due to which, the petitioner and A1 said to have
engaged A3 and A4 to commit murder of the defacto complainant. On
the date of occurrence, when the injured person and the petitioner



were sleeping in their house, A3 and A4 said to have entered into the house of the petitioner and attacked the injured person and caused serious injuries. Based on the complainant given by the brother of the injured person, the crime has been registered.

3. Heard the learned counsel appearing for the petitioner and the intervener/defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

4. The learned counsel for the petitioner submitted that the occurrence said to have taken place in the house of the petitioner and he was also sleeping along with the injured person and she has only informed about the occurrence to the brother of the injured person. He further submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that she is in jail for more than 46 days. Hence, she may be granted bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner along with A1 have planned to murder the injured person and engaged A3 and A4 and attacked the injured person and caused serious injuries. He further submitted that the injured person was already discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II at Nagercoil, Kanniyakumari District,

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/09/2020

/ 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 JUDICIAL MAGISTRATE NO.II, NAGERCOIL,
KANYAKUMARI DISTRICT
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
 - 3.THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 4.THE INSPECTOR OF POLICE, VADASERY POLICE STATION,
KANNIYAKUMARI DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1.cc.to MR.G.V.VAIRAM SANTHOSH, Advocate SR.No.6685

ORDER
IN
CRL OP(MD) No.9139 of 2020
Date :28/09/2020

VSG
PK/AKM/SAR-4/29.09.2020 : 3P/7C