

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.268 of 2021

Sathya

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
T-4 Maduravoyal Police Station,
Chennai.
(Crime No.1164 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1164 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S.L.Venkatesan

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner was arrested and remanded to judicial custody on 28.11.2020 for the offence punishable under Sections 365, 342, 323, 324, 506(ii) IPC altered into 306 of IPC in Crime No.1164 of 2020, seeks bail.

2. Totally there are 5 accused in this case and the petitioner is A1. The case of the prosecution is that deceased is the husband of the petitioner/A1 and their marriage took place 7 years back and in the year 2019, the deceased got divorce from the petitioner through an exparte decree. Subsequently, on 06.07.2020, the petitioner along with other accused are said to have abducted the deceased and compelled him to marry the petitioner again and also tied him and beaten him. On the very next day, the deceased has committed suicide by pouring kerosene and set fire on him. Hence, a case has been registered against the petitioner and others.

3. The learned counsel for the petitioner would submit that the petitioner and the deceased got divorce in the year 2019 itself

and there was no occasion to compel the deceased to marry her and she has been falsely implicated in this case. He would further submit that co-accused in this case has already been released on bail. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the main accused and she only instructed the other accused to abduct the deceased and compelled him to marry her again. Hence, she vehemently opposed to grant bail to the petitioner.

6. Considering the said facts and circumstances of the case and co-accused in this case have already been released on bail 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 learned Judicial Magistrate No.II, Poonamallee 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 report before the respondent police as and when required for interrogation.

(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 petitioners 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.

8. With the above direction, the Criminal Original Petition is ordered.

-sd/-
25/01/2021

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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T4 MADURAVOYAL POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL CHENNAI WOMEN WING.

+1 CC to M/S.S.L.VENKATESAN Advocate on payment of necessary charges SR.NO.804

सत्यमेव जयते CRL OP.268/2021

Date :25/01/2021

TA-27/01/2021

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