

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.992 of 2021

1.Ayath Bee
2.Basheera

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Kallakurichi Police Station
Kallakurichi
(Crime No.2548 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2548 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr. B.Ganesha Moorthy

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.12.2020 for the offences punishable under Sections 294(b), 307, 341 IPC @ 120(B), 143, 147, 148, 294(b), 307, 341 of IPC , in Crime No.2548 of 2020, seek bail.

2. There are totally six accused in this case and the petitioners are A5 and A6. The allegation is that petitioners' husbands said to have received money from the de-facto complainant's husband and when he demanded money, all the accused have attacked him and caused injuries. Hence the complaint. The petitioners were arrested on 04.12.2021.

3. The learned counsel for the petitioners would submit that the petitioners are ladies and they are no way connected with the alleged offence. He would further submit that the petitioners have been in judicial custody since 04.12.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that the petitioners are wives of the main accused and the de-facto complainant's husband was cheated by their husbands in a money transaction and when the de-facto complainant's husband asked for return of money, all the accused attacked him with deadly weapons and caused injuries. Now, the main accused are still absconding. Hence, she opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also, the petitioners are ladies and they are wives of the main accused and also taken into account the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners in subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.I, Kallakurichi, 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 petitioners, on their release from prison, shall report before the respondent police, as and when required for interrogation.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners 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.

6. With the above directions, this 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.I, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI.

5 THE SUPERINTENDENT,
WOMEN PRISON, CUDDALORE.

+1 CC to M/S B.GANESHA MOORTHY Advocate on payment of
necessary charges SR NO. 873

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CRL OP.992/2021
Date :25/01/2021

MN-27/01/2021