

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2021

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.1312 of 2021

Chitra

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Valathi Police Station,
Villupuram Dt.
(Crime No.1144 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.1144 of 2020 on the file of respondent police.

For Petitioner : Mr.K.Sudhakar

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

ORDER

Totally, there are six accused and the petitioner is arrayed as 6th accused. The respondent police has registered a criminal case against the petitioner in Crime No.1144 of 2020 for the offence punishable under Sections 147, 148, 294(b), 324, 506 (ii) and 302 of I.P.C. The petitioner was arrested and remanded to judicial custody on 23.12.2020. Accordingly, the petitioner has filed this petition seeking for bail.

2. The learned counsel appearing for petitioner would submit that the petitioner was arrayed as A6, who is sister of A5 and she is no way connected with the occurrence. He would submit that she has gone only as guest and stood along with the accused and on the date of occurrence, she has also suffered injury in her right hand. He would further submit that all the main accused were released on bail by this Court and one of the accused was also released on bail by the Sessions Court, Gingee. He would submit that there is no specific overtact against the petitioner except she scolded the defacto complainant with filthy language. Hence, he has filed this petition seeking to enlarge the petitioner on bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation was completed and the charge sheet was also filed before the learned Judicial

Magistrate, Gingee and the matter is pending for committal. He would further submit that the co-accused were released on bail by this court and also by the Sessions Court, Gingee. He would also submit that there is no serious objection to grant bail to the petitioner because charge sheet has been filed and the main accused already released on bail.

5. On a perusal of records, it is seen that even though there is no specific overtact against the petitioner, she is arrayed as A6 in this case and she was arrested on 23.12.2020 and she is in judicial custody. Therefore, considering the facts and circumstances, the investigation was also completed and the charge sheet has been filed and the same was taken on file in P.R.C.No.8 of 2021 on the file of Judicial Magistrate, Gingee and also considering the facts and circumstances, the co-accused were released on bail by this Court as well as Sessions Court, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Gingee 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, on her release from prison, shall report before the respondent police daily 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/02/2021

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,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALATHI POLICE STATION,
VILLUPURAM.

5 THE OFFICER INCHARGE,
WOMEN SUB JAIL, CUDDALORE.

+1 CC to M/S K.SUDHAKAR Advocate on payment of necessary charges SR NO. 992

CRL OP.1312/2021

Date :01/02/2021

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