

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2769 of 2021

Soniya

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Vaniyambadi Town Police Station,
Crime No.2210 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.2210 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr. T.Shanmugam

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 13.10.2020 for the offence punishable under Sections 147, 294(b), 307, 448, 109 r/w. 120(B) of IPC in Crime No.2210 of 2020, seeks bail.

2. Totally, there are 5 accused and the petitioner is arrayed as A1. The case of the prosecution is that earlier the petitioner and others said to have misappropriated the funds of the defacto complainant's husband company, due to which, there was dispute between the parties. Due to the same, on the date of occurrence, the petitioner along with other accused trespassed into the house of the defacto complainant and attacked her with iron rod and caused serious injuries to her. Hence, a complaint came to be registered.

3. The counsel for the petitioner would submit that the petitioner, being a lady, has been falsely implicated in this case and there is no overtact as against the petitioner. Even as per the First Information Report, two male persons only went into the house of the complainant and assaulted him. He would further submit

that the victim has taken treatment only as out patient. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that all the accused conspired together and committed the crime and the petitioner is the main accused, who instigated the other accused to commit the crime and she opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstance of the case and the fact that no overtact has been attributed as against the petitioner and the victim has taken treatment as outpatient, 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 petitioners are 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, Vaniyambadi, 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 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/-
22/02/2021

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,
VANIYAMBADI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.T.SHANMUGAM Advocate on payment of necessary charges SR NO. 2138

WEB COPY

CRL OP.2769/2021

Date :22/02/2021

MN-23/02/2021