

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4304 of 2021

Sakunthala

... Petitioner

Vs.

The State Represented by
Inspector of Police,
T-7, Tank Factory Police Station,
Chennai.
Cr.No.908 of 2019.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.908 of 2019 on the file of the respondent police.

For Petitioner : Mr.S.Divakar

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 19.01.2021 for the offence punishable under Sections 364, 302 r/w. 34 and 109 of IPC, seeks bail.

2. Totally, there are 4 accused and the petitioner is A4. The case of the prosecution is that the deceased, who is the son-in-law of the petitioner, is a drunkard and he is also having so many criminal cases. Earlier, there was quarrel between the deceased and A1, who is another son-in-law of the petitioner in a family function. Due to the same, there was previous enmity between them and the deceased has also continuously given torture to the petitioner and their family members. Hence, A1 and this petitioner said to have conspired together and planned to murder the deceased. Pursuant to which, A1 to A3 attacked the deceased with deadly weapon and caused his death. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that even as per the prosecution, the overtact has been attributed only as against A1 to A3 and this petitioner has been implicated in this

case with the aid of 109 IPC . Now, the main accused A1 to A3 were released on bail. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is the mother-in-law of the deceased has aided and abetted the other accused to murder the deceased. Now, investigation is completed, final report has been filed and the matter is pending for committal. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that the main accused in this case were already released on bail and the petitioner has been implicated only with the aid of Section 109 IPC and now final report has been filed and the matter is pending for committal and also taking note of 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, Ambattur, 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 appear 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/-
04/03/2021

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 COURT,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-7, TANK FACTORY POLICE STATION,
CHENNAI.

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

+1 CC to M/S. S.DIVAKAR Advocate on payment of necessary
charges SR.NO.2725

CRL OP.4304/2021

Date :04/03/2021

TA-05/03/2021

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