

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4550 of 2021

Lakshmi

... Petitioner

Vs.

The Inspector of Police,  
T-14 Mangadu Police Station,  
Chennai

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1520/2020 on the file of the respondent police.

For Petitioner : Mr.T.P.Sekar

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 14.12.2020 for the offence punishable under Section 302 of IPC in Crime No.1520 of 2020, seeks bail.

2. Totally, there are two accused and the petitioner is A2. The case of the prosecution is that the deceased is the sister of this petitioner. There was a civil dispute pending between them, which leads to frequent quarrel between them, due to which, the petitioner along with her husband, committed murder of her own sister. Hence the complaint came to be registered.

3. The learned counsel for the petitioner would submit that it is a case of circumstantial evidence and there is no eye witness to the occurrence. Only on suspicion, the petitioner has been implicated in this case on the ground of civil dispute between them. The deceased was found dead in her house, which is far away from the house of the petitioner. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity between the

petitioner and the deceased regarding civil dispute, both the petitioner and her husband, committed murder. Now, investigation is almost completed. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and the fact that it is case of circumstantial evidence and the petitioner has been implicated in this case on the ground that there was civil dispute between them, and there were frequent quarrel between them, except that, there is no material available on record as against the petitioner and investigation is almost completed 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, Sriperumbudur, 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 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/-  
08/03/2021

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,  
SRIPERUMBUDUR.

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

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
T14 MANGADU POLICE STATION,  
CHENNAI.

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

+1 CC to M/S. T.P.SEKAR Advocate on payment of necessary charges  
SR NO. 2942

CRL OP.4550/2021

Date :08/03/2021

MN-09/03/2021