

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7955 of 2021

K. Vanitha

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
Mylapore Police Station,
Chennai
(Crime No.190 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.190 of 2021 on the file of the respondent.

For Petitioner : Mr. S. Pandian

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 26.03.2021 and remanded to judicial custody for the offences under Section 302 of I.P.C in Cr.No.190 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are two accused in this case and the petitioner is A2. The case of the prosecution is that the petitioner/A2 is the wife of the deceased and due to some family dispute the petitioner along with her brother by name Santha kumar/A1 murdered the deceased. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the deceased is the husband of the defacto complainant and on the date of occurrence the deceased consumed alcohol and picked up quarrel suspecting the fidelity of the petitioner and there was only a wordy quarrel between them. He further submits that the deceased was a habitual drunkard and affected by ill health, due to which the deceased died. It is also submitted that the petitioner has been falsely implicated in this case and the petitioner has been in jail from 26.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the the petitioner along with her brother by name Santha kumar/A1 murdered the deceased.

5. Taking into consideration the fact that the investigation is almost completed 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE METROPOLITAN MAGISTRATE NO.XVIII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II.

4 THE INSPECTOR OF POLICE,
MYLAPORE POLICE STATION,
CHENNAI.

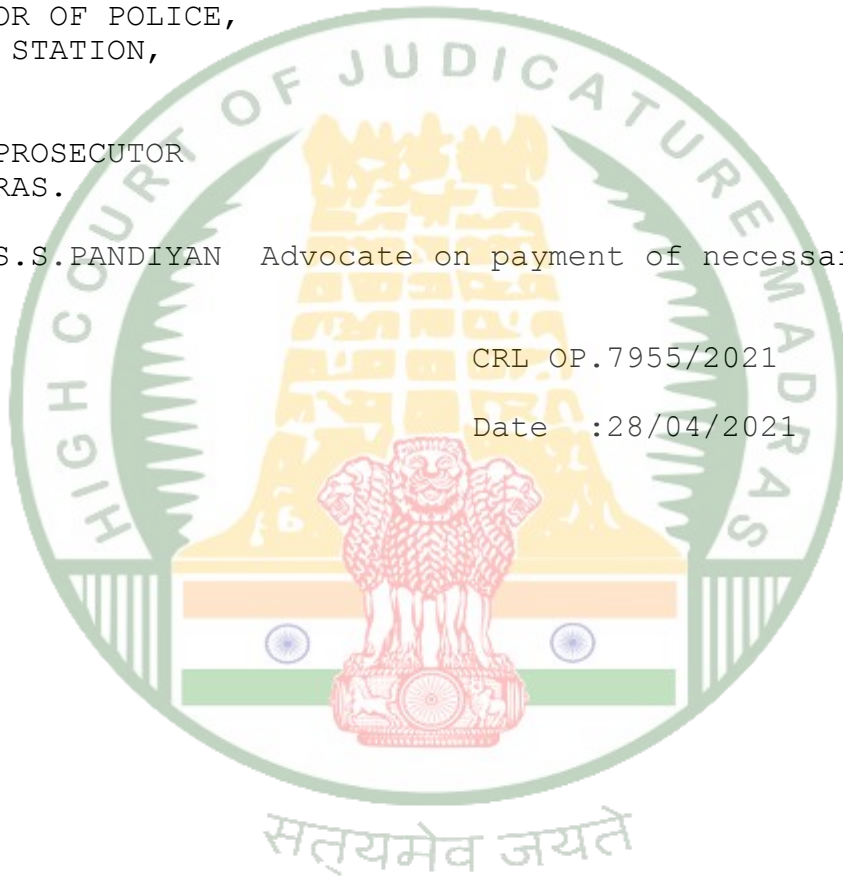
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.PANDIYAN Advocate on payment of necessary charges
SR NO.5492

CRL OP.7955/2021

Date :28/04/2021

MK:29/04/2021



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