

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8570 of 2021

Dhanalakshmi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kondalampatti Police Station,
Salem.
(Crime No.263 of 2015)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in S.C.No.84 of 2017 on the file of the III Additional District Judge, Salem.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.Charles Premkumar,
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

Heard the learned Counsel on either side.

2. The Petition is facing charge for the offence under Section 302 of IPC in S.C.No.84/2017 on the file of the learned III Additional District Judge, Salem. The petitioner has already been granted bail in the main case. During the pendency of the trial, the petitioner has filed a petition to recall the witnesses and the same was allowed. However, the petitioner was directed to deposit a sum of Rs.5,000/-, but the petitioner could not mobilise the funds. Therefore, when the case was once again posted for trial, the bail granted to the petitioner was cancelled and the defence side was also closed and the matter was posted for arguments. Therefore, seeking grant of bail, the petitioner moved the court below by filing Crl.M.P.No.204/2021 in S.C.No.84/2017. The same was dismissed by order dated 18.03.2021. Hence, the petitioner has approached this Court seeking bail.

4. Learned Counsel for the petitioner would state that the age of the petitioner is about 76 years and she is said to be a street hawker and the deceased is none other than her husband. The learned Counsel for the petitioner would further state that when the deceased husband attempted to kill the petitioner by using crow bar by way of self-defence, the alleged occurrence had taken place.

5. Be that as it may, the continued incarceration of the petitioner does not appear to be fair. Therefore, taking into account the fact that the petitioner being a lady aged about 76 years and having poor economic back ground, bail is granted subject to the following condition:

(a) that the petitioner is ordered to be released on bail on executing an own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.V, Salem.

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

-sd/-
05/05/2021

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 III ADDITIONAL DISTRICT JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE, NO.V, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE SALEM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE, KONDALAMPATTI POLICE STATION, SALEM.

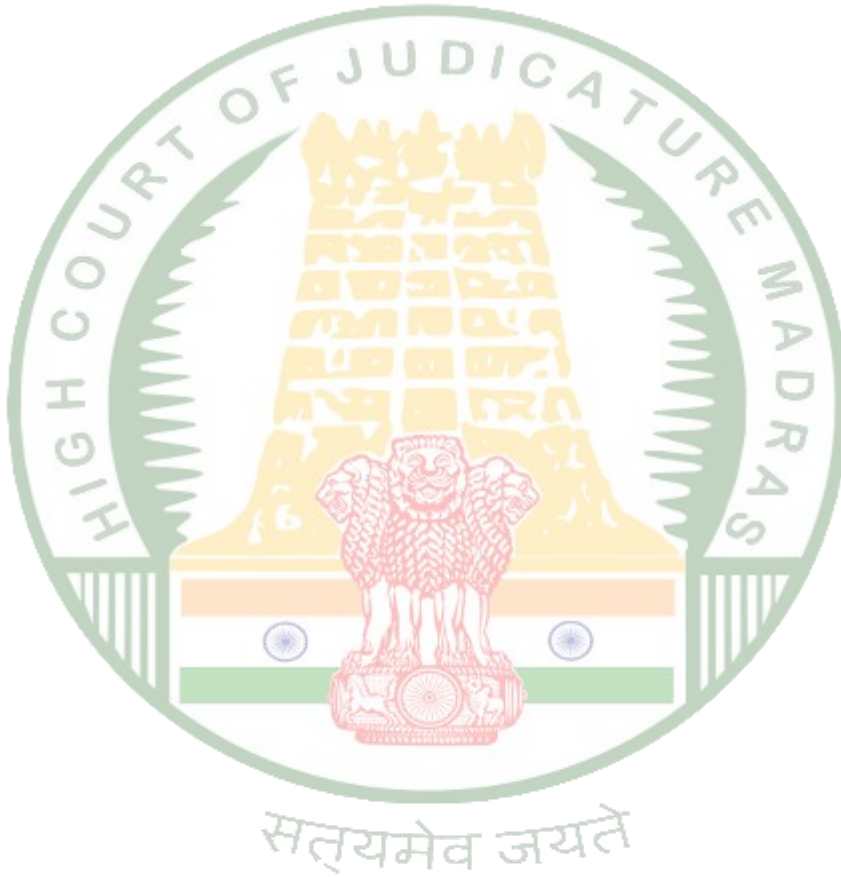
6 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, SALEM.

+1 CC to M/S.K.S.KARTHIK RAJA Advocate on payment of necessary
charges SR.NO.5781

CRL OP.8570/2021

Date :05/05/2021

TA-06/05/2021



WEB COPY