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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.10813 of 2021

Sagunthala

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Koradachery Police Station,
Tiruvarur District.
(Crime No.295 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of her arrest in Crime No.295 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.V.Chandrasekaran

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

O R D E R

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324 & 506(ii) of IPC later altered to Section 294(b), 302 and 506(ii) of IPC in Cr.No.295 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 are husband and wife. The deceased is the father of A1. There was a dispute regarding sharing of the family property between the deceased and A1. On 16.04.2021, there was a wordy quarrel between the deceased and A1. Due to which, A1 assaulted his father with wooden log and committed murder. Thereby, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioner has not been committed any offence as alleged by the prosecution and she has nothing to do with the alleged offences. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate submits that there is no specific overt act against this petitioner and A1 only assualted his father with wooden log and committed murder. Hence, he has no serious objection to grant anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and there is no specific overt act against this petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvavarur, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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. For a period of two weeks and thereafter, as and when required for interrogation;

(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 petitioners 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/-

24/06/2021

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,
THIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
KORADACHERI POLICE STATION,
KORADACHERI,
TIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.CHANDRASEKARAN Advocate on payment of necessary charges

CRL OP.10813/2021

Date :24/06/2021

RVR 15/07/2021