

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.9448 of 2021

Malarkodi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai.
(Crime No.59 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in pending R-3, Crime No.59 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Raj

For Respondent : Mr.E.Rajthilak
Government Advocate (CrI side)

ORDER

The petitioner who was arrested on 31.03.2021 and remanded to judicial custody for the offences punishable under Sections 147, 148, 449, 324, 302 IPC in Cr.No.59 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the mother of A1 and A3 and that the deceased had committed the murder of the petitioner's husband and for taking revenge, the petitioner along with the other accused persons joined together and murdered the deceased. Hence, the compliant.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and that she has been falsely implicated in this case and the petitioner has been in jail from 31.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed the grant of bail by stating that the petitioner is the mother of A1 and A3 and that the deceased had committed the murder of the petitioner's husband and for taking revenge, the petitioner along with the other accused persons joined together and murdered the deceased. He also submitted that the other accused are yet to be captured.

5. Considering the period of incarceration suffered by the petitioner and further that the FIR does not disclose specific overtact against the petitioner and the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Puzhal Prison (Women), Chennai in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned XVII M.M. Saidapet Chennai.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

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

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

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

(h) 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;

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

-sd/-

20/05/2021

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 METROPOLITAN MAGISTRATE
NO.XVII, SAIDAPET, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PUZHAI PRISON (WOMEN),
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
R-3, ASHOK NAGAR POLICE STATION,
CHENNAI.

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

CRL OP.9448/2021

Date :20/05/2021

cs 26/05/2021