

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12886 of 2021

A.Selvi

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
Konganapuram Police Station,
Konganapuram,
Salem District.
(Crime No.133 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.133 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 08.07.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 323, 341, 448, 302 and 506(2) of IPC, in Crime .No.133 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the 2nd son of the deceased viz, Prakash eloped with the daughter of A2 and A3. Due to this there was communal clash and that the petitioner along with other accused persons went to the defacto complainant's house and attacked the father of the defacto complainant with deadly weapons and cut the throat of the deceased with knife. He was admitted to the hospital, where he died. Hence, the complaint,

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and she has been falsely implicated in this case and the petitioner has been in jail from 08.07.2021. He further submits that the petitioner/A5 being a lady and there is no specific overt act attributed against her. He further submits that the allegations only against A1 to A3. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner is available in the scene of occurrence and there is no specific overt act attributed against her. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no specific overt act attributed against 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 her executing 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 District Munsif-cum-Judicial Magistrate, Edappadi, 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 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 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/-
27/07/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, EDAPPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
KONGANAPURAM,
SALEM DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL FOR WOMEN, SALEM-07.

+1 CC to M/S.K.SELVARAJ Advocate on payment of necessary
charges SR.NO.7765

CRL OP.12886/2021

Date :27/07/2021

TA-28/07/2021