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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16626 of 2021

G. Archana

... Petitioner

Vs.

The State represented by
its Inspector of Police,
B-4, Baluchetty Chathiram Police Station,
Chennai.
(Crime No.864 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 Crime No.864 of 2021 on the file of the respondent police.

For Petitioner : Mr.V. Bhagyaraj

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

ORDER

The petitioner who was arrested on 26.07.2021 and remanded to judicial custody for the offences under Sections 147,148,294(b),324 and 302 of I.P.C in Crime No.864 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are eight accused in this case and the petitioner herein arrayed as A1. The case of the prosecution is that the petitioner is non other than the wife of the deceased Gangadharan, that out of their wedlock one male and one female child were born to them. It is alleged that the petitioner herein had illegal intimacy with A4, due to which there was dispute between the petitioner's family and the deceased family. Thereafter A1 to A8 who are family members of the petitioner joint together and brutally attacked the deceased by using dangerous weapons and murdered the deceased. Hence the law enforcing agency registered a case against the petitioner and other accused persons.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in



jail from 26.07.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the deceased who is the husband of the petitioner suspected the fidelity of the petitioner and quarreled with her that she is having illegal intimacy with A4. Thereafter A1 to A8 who are family members of the petitioner joint together and brutally attacked the deceased by using dangerous weapons and murdered the deceased. He further submits there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts of the case and the interest of the petitioner's children and there is no previous case pending against the petitioner and also taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kancheepuram, 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.

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-sd/-
22/09/2021

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 NO.I,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
B-4, BALUCHETTY CHATHIRAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON WOMEN, PUZHAL, CHENNAI.

+1 CC to M/S. V.BHAGYARAJ Advocate on payment of necessary charges SR.NO.10417.

CRL OP.16626/2021

Date :22/09/2021

INBA 22/09/2021