



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18252 of 2021

Elamathi

... Petitioner

Vs.

State by:-

The Inspector of Police,
Valapaddy Police Station,
Salem District.
(Crime No.413 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.413 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Rajakumar

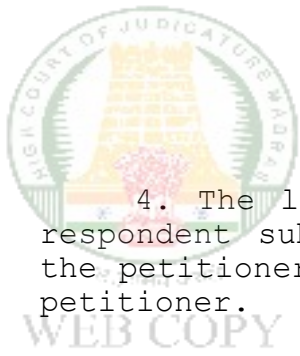
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested on 02.08.2021 and remanded to judicial custody for the offences under Section 302 of IPC, in Crime No.413 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the brother of the deceased. Further, the deceased and the petitioner are husband and wife. Further, there was a matrimonial dispute them, as a result of which, the petitioner had attacked the deceased with wooden log and caused the death of the deceased. 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. He further submitted that the deceased is the drunken mood and he fell down and sustained injuries, due to which he died. He further submitted that the deceased suspecting the fidelity of the petitioner and the petitioner was working as a school teacher and having two children. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against 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 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 learned District Munsiff cum Judicial Magistrate Court, Valapaddy, 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.

-sd/-
30/09/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT, VALAPADDY.

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

3 THE INSPECTOR OF POLICE,
VALAPADY POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.18252/2021

Date :30/09/2021

INBA 01/10/2021