



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.19285 and 19286 of 2021

K.Sangeetha

... Petitioner in both
Crl.O.P.Nos.

Vs.

State Represented by
The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.
(Crime No.194 of 2020)

... Respondent in both
Crl.O.P.Nos.

PRAYER in Crl.O.P.No.19285 of 2021: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to modify the condition no.6 (ii) in order dated 14.05.2020 in Crl.M.P.No.1379 of 2020 on the file of the learned Principal District and Sessions Judge, Coimbatore by modifying the value of the sureties from Rs.25,000/- to Rs.10,000/-.

PRAYER IN Crl.O.P.No.19286 of 2021: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 11.08.2021, in Crl.M.p.No.3032/2021 by the learned Principal District and Sessions Judge, Coimbatore and thereby order extending the time for surrender and furnishing surety in order dated 14.05.2020 in Crl.M.P.No.1379 of 2020 on the file of the learned Principle District and Sessions Judge, Coimbatore.

For Petitioner	:	Mr.G.Maheshkumar
(in both Crl.O.P.Nos.)		
For Respondent	:	Mr.R.Vinoth Raja
(in both Crl.O.P.Nos.)		Government Advocate [Crl. Side]

COMMON ORDER

The Criminal Original Petition in Crl.O.P.No.19285 of 2021 is filed to modify the condition no.6 (ii) in order dated 14.05.2020 in Crl.M.P.No.1379 of 2020 on the file of the learned Principle District and Sessions Judge, Coimbatore by modifying the value of the sureties from Rs.25,000/- to Rs.10,000/-.



2.The Criminal Original Petition in Crl.O.P.No.19286 of 2021 is filed to set aside the order dated 11.08.2021, in Crl.M.p.No.3032/2021 by the learned Principal District and Sessions Judge, Coimbatore and thereby order extending the time for surrender and furnishing surety in order dated 14.05.2020 in Crl.M.P.No.1379 of 2020 on the file of the learned Principle District and Sessions Judge, Coimbatore.

3.The petitioner is A2, in Crime No.194 of 2020, for offences under Section 307 of I.P.C was arrested and later granted bail. Thereafter during COVID-19 pandemic situation she was granted bail and one of the condition was that after the commencement of normal functioning of the Court, the petitioner to execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand), with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Coimbatore. The petitioner was unable to do so, within the stipulated time prescribed by the court below and had approached the court below, seeking extension of time in Crl.M.P.No.3032 of 2020 and the same was dismissed. Now the above said petitions have been filed to modify the condition no.6(ii) in order dated 14.05.2020 in Crl.M.P.No.1379 of 2020 to execute sureties each for a likesum of Rs.25,000/- to Rs.10,000/- and also to set aside the order dated 11.08.2021 in Crl.M.P.No.3032 of 2021 passed by the learned Principal District and Sessions Judge, Coimbatore and thereby order extending the time for surrender and furnishing sureties in Crl.M.P.No.1379 of 2020.

4.The learned Government Advocate [Crl. Side] submits that the petitioner and defacto complainant in these cases are estranged husband and wife. The petitioner had an illicit relationship with A1 in this case, which was questioned by the defacto complainant, hence A1 in this case stabbed the defato complainant on his neck, hence, the case came to be registered.

5.Considering the submissions and on the perusal of the materials, it is seen that the petitioner and the defacto complainant are estranged husband and wife, the marriage between the petitioner and the defacto complainant was held before 13 years and they have been living separately for several years. The petitioner is taking care of her two sons and a daughter. The defacto complainant appears to be an alcoholic and living separately. There is some relationship between A1 and the petitioner, which was objected by the defacto complainant and he had also gone to the petitioner's residence and there was some quarrel. Following the same, the defacto complainant was stabbed by A1, for which, the petitioner is arrayed as an accused. Admittedly, during the occurrence, the petitioner was not



present. The petitioner is the estranged wife of the defacto complainant, she was forced out of the matrimony home and she is taking care of her two sons and a daughter.

6. Considering the same, this Court finds that insisting upon the petitioner to execute a bond of Rs.25,000/-, with two sureties, each for a like sum is appears to be onerous, considering the nature of the offence and background of the accused, the surety condition is modified and the petitioner is directed to execute her own bond, within a period of 15 days, from the date of receipt of a copy of this order and also directed to appear before the respondent police, as and when required. In view of the same, the other conditions imposed by the learned Principal District and Sessions Judge, Coimbatore in CrI.M.P.No.1379 of 2020, is set aside. Consequently, the order passed in CrI.O.P.No.19286 of 2021 is also set aside.

7. With the above directions, these Criminal Original Petitions stand disposed of.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

drm/ah

To

1. The Principal District and Sessions Judge,
Coimbatore.
2. The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

+2CCs to Mr.Mageshkumar, Advocate, Sr.Nos.54573, 54574

CrI.O.P.Nos.19285 and 19286 of 2021

SVI (CO)

K.RK. (26.10.2021)