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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20864 of 2021

T.Selvarani

... Petitioner

Vs.

State rep by,

... Respondent

The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.1610 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to grant bail to the petitioner herein in Crime No.1610 of 2021 and pending investigation on the file of the Inspector of Police Namakkal Police Station, Namakkal District.

For Petitioner : M/s.C.D.Johnson

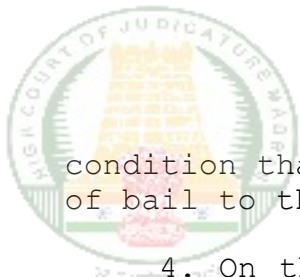
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.09.2021 for the offence under Section 302 IPC, in Crime No.1610 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the sole accused and she is the wife of the diseased Thangarasu. On the date of occurrence i.e. 02.09.2021, the husband of the petitioner came home in a drunken mood and harassed the petitioner. Hence, out of provocation, the petitioner poured boiled oil on her husband due to which, he sustained burn injuries and admitted in the hospital. Later on 06.09.2021, he succumbed to injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is having two children aged about 12 and 14 years respectively and now they are living without parents since, the petitioner is in judicial custody from 07.09.2021. He would further submit that the petitioner is prepared to abide by any stringent



condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. On the side of the prosecution, the learned Additional Public Prosecutor strongly objected stating that the petitioner poured boiled oil upon the deceased/husband and thereby, he succumbed to injuries and there is likelihood of the petitioner getting abscond.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials on record.

6. It is seen that the petitioner is having two children and they are now living without their parents since their father passed away and their mother is in judicial custody. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate-I, Namakkal, 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/-

08/11/2021

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,
NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON WOMEN, NAMAKKAL

CC to M/S C.D .JOHNSON Advocate on payment of necessary charges

CRL OP.20864/2021

Date :08/11/2021

APN 08/11/2021