

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Cr1.O.P.No.22539 of 2021

Vijaya

...Petitioner

Vs.

The State rep. by its
Sub- Inspector of Police,
Pudupalayam Police Station,
Tiruvannamalai District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.327 of 2021 on the file of the respondent Police.

For Petitioner : Mr.Sathiyaraj E.

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 20.09.2021 for the offences under **Sections 147, 148, 341, 294(b), 302 of IPC @ into Sections 147, 148, 341, 294(b), 302 of IPC r/w 120 (B) of IPC**, in Crime No.327 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner's son along with other accused persons, attacked the defacto complainant's son by using knife. Immediately, the injured was taken to hospital wherein, he was declared as brought dead. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and she is the mother of the A1 and that she has been falsely implicated in this case. He would further submit that the petitioner who is aged about 52 years, has been suffering incarceration for more than 60 days from 20.09.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that there are totally seven accused involved in this case and out of them, A1 to A6 have been detained under Goondas Act and that the petitioner is the mother of A1 but admits that the investigation is almost completed.

5. It is seen that the occurrence had happened due to previous enmity and that the petitioner is only the mother of A1. Considering the facts and circumstances of the case and the age of the petitioner and that the investigation is almost completed and also considering the period of incarceration undergone by her, 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 Judicial Magistrate, Chengam, Tiruvannamalai District**, and on further conditions 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 on every Saturday 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/-

26/11/2021

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,
CHENGAM, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PUDUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, VELLORE.

+1 CC to M/S. SATHIYARAJ E. Advocate on payment of necessary
charges SR.NO.13543

CRL OP.22539/2021

Date :26/11/2021

TA-26/11/2021